

**MINUTES OF THE CITY-COUNTY COUNCIL  
AND  
SPECIAL SERVICE DISTRICT COUNCILS  
OF  
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS  
MONDAY, DECEMBER 14, 2015**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:12 p.m. on Monday, December 14, 2015, with Councillor Lewis presiding.

Councillor Clay introduced Jeffrey Johnson, Eastern Star Baptist Church, who led the opening prayer and Pastors David Green and Darren Williams who invited all present to join them in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

*29 PRESENT: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew*  
*0 ABSENT:*

A quorum of twenty-nine members being present, the President called the meeting to order.

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Barth recognized friend and campaign manager Cindy Collager. Councillor Moriarty Adams recognized husband Frank and nephew Connor. Councillor Adamson recognized Councillors-elect David Ray and Blake Johnson. Councillor Clay recognizes Pastors Jeffrey Johnson, David Green and Darren Williams. Councillor Evans recognized Phil Abram, Pike Township School Board. Councillor Hickman recognized Washington Township activist Rosie Houff. Councillor Tew recognized former Councillor and current Washington Township Trustee Frank Short. Councillor Robinson recognized Marion County Clerk Myla Eldridge.

## **OFFICIAL COMMUNICATIONS**

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, December 14, 2015 , at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,  
s/Maggie A. Lewis  
President, City-County Council

December 11, 2015

TO PRESIDENT LEWIS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, NaTrina DeBow, the following ordinances:

FISCAL ORDINANCE NO. 47, 2015 - approves transfers totaling \$2,166,524 in the 2015 Budgets of the Marion County Auditor, Voters Registration, Cooperative Extension, Telecom and Video Services Agency, Office of Finance and Management, and Office of Corporation Counsel (County General, Auditor's Ineligible Deduction and Consolidated County General Funds) to cover costs associated with the 27th Pay and other various year-end project costs

FISCAL ORDINANCE NO. 48, 2015 – approves transfers of \$3,407,000 and additional appropriations of \$6,033,314 in the 2015 Budgets of the Department of Public Safety, Forensic Services Agency, Marion Superior Court, Community Corrections, Marion County Sheriff, and Marion County Prosecutor (City Cumulative Capital, Fire General, IMPD General, Community Corrections Work Release, Federal Grants, County General, Deferral Program Fee, Sheriff's Medical Care of Inmates, Public Safety Income Tax, State Law Enforcement, Sheriff's Equitable Sharing, and Guardian Ad Litem Funds) to cover costs for these agencies through the end of the year, including the 27th pay

FISCAL ORDINANCE NO. 49, 2015 – approves a transfer of \$690,000 and an additional appropriation of \$670,000 in the 2015 Budget of the Department of Public Works (Fleet Services, Transportation General and Parks General Funds) to cover end of the year costs, including the 27th and 53rd pays

FISCAL ORDINANCE NO. 50, 2015 – approves a transfer of \$75,000 in the 2015 Budget of the Department of Code Enforcement (Permits Fund) to cover costs associated with the 27th pay

GENERAL ORDINANCE NO. 74, 2015 – authorizes turn restrictions on Delmar and Rucker Roads and Binford Boulevard (District 4)

GENERAL ORDINANCE NO. 75, 2015 – authorizes intersection controls at Nelson and Allen Avenues (District 19)

GENERAL ORDINANCE NO. 76, 2015 – authorizes a speed limit reduction of 25 mph in the Castlewood subdivision (District 5)

GENERAL ORDINANCE NO. 77, 2015 – authorizes a speed limit reduction of 25 mph in The Trees II subdivision (District 6)

GENERAL ORDINANCE NO. 78, 2015 – authorizes speed limit reductions on West Walnut Street from North Concord Street to North Holmes Avenue (District 15)

GENERAL ORDINANCE NO. 79, 2015 - authorizes a speed limit reduction of 25 mph on East McCarty Street from South East Street to Virginia Avenue (District 19)

SPECIAL ORDINANCE NO. 5, 2015 – approves an interlocal cooperation agreement between the City and County and the Town of Zionsville for the financing, design, construction and improvement to the intersection of West 96th Street and Zionsville Road

SPECIAL ORDINANCE NO. 6, 2015 - approves an interlocal cooperation agreement between the City and County and the City of Fishers for the financing, design, construction and improvement to East 96th Street between Lantern Road and Cumberland Road

*December 14, 2015*

GENERAL RESOLUTION NO. 22, 2015 – approves the disposal of certain parcels of real property that have an appraised value of \$50,000 or more by the Board of Commissioners of Marion County

GENERAL RESOLUTION NO. 23, 2015 – approves \$830,833 in expenditures from Community Revitalization Enhancement District (CRED) funds in 2016 for various improvements benefitting the Lafayette Square CRED District (International Marketplace)

GENERAL RESOLUTION NO. 24, 2015 – approves the statement of benefits for Eli Lilly and Company, an applicant for tax abatement for property located in an economic revitalization area

GENERAL RESOLUTION NO. 25, 2015 – amends General Resolution No. 18, 2014 regarding the approval of certain public purpose grants totaling \$323,750 from the Drug Free Community Fund

GENERAL RESOLUTION NO. 26, 2015 – approves certain public purpose grants totaling \$315,000 from the Drug Free Community Fund

GENERAL RESOLUTION NO. 27, 2015 – approves a request of the Department of Public Works to purchase certain real estate interests, owned by the Riviera Club, for construction of a public works project

GENERAL RESOLUTION NO. 28, 2015 – approves a request of the Department of Public Works to purchase certain real estate interests, owned by Ponderosa Associates, LLC, for construction of a public works project

GENERAL RESOLUTION NO. 29, 2015 - authorizes the issuance of a general revenue note in an aggregate principal amount not to exceed \$12,000,000 for the purpose of providing funds to be applied to pay a portion of the planning costs incurred in connection with a proposed criminal justice center, and appropriating the proceeds thereof

SPECIAL RESOLUTION NO. 45, 2015 - recognizes the 100 Black Men of Indianapolis, Inc. Dollars and Sense Financial Literacy Program

SPECIAL RESOLUTION NO. 46, 2015 – honors the life of Samuel Young

SPECIAL RESOLUTION NO. 47, 2015 – recognizes Joy's House

SPECIAL RESOLUTION NO. 48, 2015 – recognizes the Indianapolis Early Music/Festival Music Society

SPECIAL RESOLUTION NO. 49, 2015 – recognizes Broad Ripple Brewpub's 25th Anniversary

SPECIAL RESOLUTION NO. 50, 2015 - recognizes the "Your Life Matters" Poetry Slam

s/Gregory A. Ballard, Mayor

#### **RETURN OF ORDINANCE AND ANNOUNCEMENT OF VETO**

TO THE CLERK OF THE CITY-COUNTY COUNCIL:

Pursuant to the authority vested in the Office of the Mayor by IC 36-3-4-16, I hereby veto Proposal No. 315, 2015, General Ordinance No. 73, 2015, presented to me on December 2, 2015, for the reasons stated below.

I tried hard to get to "yes" on this proposal. Conceptually, I am in agreement with the intent. However, it has been made clear to me that the business/development community, the community most affected by this proposal and a group that I believe would be largely supportive, was not ever consulted. That is unacceptable. Not taking into account the views of all those affected is shortsighted and bound to create undue friction between competing interests.

Also, mechanically, this proposal has many loopholes that could interfere with how resources would be distributed, creating the potential for inequity.

I hope that the new administration and new council can reshape this proposal into a viable ordinance that takes into account the views of all those affected. My sense is this is entirely possible in the short term.

For these reasons, I veto Proposal No. 315, 2015.

s/Gregory A. Ballard, Mayor

#### **ADOPTION OF THE AGENDA**

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

## **APPROVAL OF THE JOURNAL**

The President called for additions or corrections to the Journals of November 30, 2015. There being no additions or corrections, the minutes were approved as distributed.

## **PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS**

PROPOSAL NO. 415, 2015. The proposal, sponsored by All Councillors, honors the life, legacy and unrelenting public service of Amos Brown. Councillor Osili read the proposal and presented Mr. Brown's family with copies of the document and Council pins. Family members thanked the Council for the recognition. President Lewis moved, seconded by Councillor Gray, for adoption. Proposal No. 415, 2015 was adopted by a unanimous voice vote.

Proposal No. 415, 2015 was retitled SPECIAL RESOLUTION NO. 51, 2015, and reads as follows:

### **CITY-COUNTY SPECIAL RESOLUTION NO. 51, 2015**

A SPECIAL RESOLUTION honoring the life, legacy and unrelenting public service of Amos Brown.

WHEREAS, Amos C. Brown, III was born in Chicago, Illinois on December 18, 1950 to Dr. Amos C. Brown, II and Johnye LaPearl Brown. He attended Northwestern University in Illinois before moving to Indianapolis; and

WHEREAS, Amos was a true family man. For 35 years, he was a devoted husband to his love QuinEtta and was a proud father to his son, Aaron and an adoring grandfather to his granddaughter Aar'yana, whom was often seen accompanying him to various community meetings and events; and

WHEREAS, Amos became a prominent voice in the Indianapolis African-American community. As a long-time community leader and radio host, he was dedicated to public service and was known for asking the tough questions with emphasis on criminal justice, politics and socioeconomic issues, while constantly striving for social justice and equality; and

WHEREAS, Amos spent four decades as an on-air talent in Indianapolis, in addition to being an executive and columnist for over 21 years. He used his Radio One broadcast, "Afternoons with Amos" and column in the Indianapolis Recorder, "Just Tellin' It", to interview world leaders and politicians at every level and to address a wide variety of topics that affected the African American community, such as politics, the media and community empowerment; and

WHEREAS, Amos formed many friendships, partnerships, and collaborations through his attendance at many community events, town hall meetings and inner-city neighborhoods, all while giving a voice to the voiceless through radio and newspaper; and

WHEREAS, after four decades on the air, Amos was inducted in the Indiana Broadcasters Hall of Fame in 2007 and was recognized for many other honors, including being a two-time winner of the Indiana Broadcaster's Spectrum Award and receiving two nominations for an NAB Marconi Award; and

WHEREAS, Amos was highly respected as a friend, mentor, intellectual giant, tireless advocate and community champion. He departed this life on November 6, 2015, and will be greatly missed for his kindness and willingness to help anyone who required assistance; now, therefore:

### **BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. The Indianapolis City-County Council proudly and respectfully honors the life, legacy and unrelenting public service of Amos C. Brown, III.

SECTION 2. With great admiration, the Council pays tribute to Amos Brown and will eternally remember his great service to the City of Indianapolis and Marion County.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 426, 2015. The proposal, sponsored by Councillors Hickman, Barth, Tew, Mansfield, Robinson and Gray, recognizes John Alan Houff, the husband of Rosie Houff, longtime Washington Township President and friend to many Councillors and Legislators and US Representatives. Councillor Hickman read the proposal and presented Ms. Houff and other family members with copies of the document and Council pins. Ms. Houff thanked the Council for the recognition. Councillor Hickman moved, seconded by Councillor Gray, for adoption. Proposal No. 426, 2015 was adopted by a unanimous voice vote.

Proposal No. 426, 2015 was retitled SPECIAL RESOLUTION NO. 52, 2015, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 52, 2015

A SPECIAL RESOLUTION recognizing John Alan Houff, the husband of Rosie Houff, longtime Washington Township Democratic Club President and friend to many Councilors and Legislators and US Representatives.

WHEREAS, John Alan Houff was a proud resident of Washington Township and the City of Indianapolis for almost 70 years. He attended Christ the King school, Cathedral High School and Georgetown University (School of Foreign Service) in Washington D.C.; and

WHEREAS, after graduating Georgetown, John worked for the State of Indiana in the Office of the Attorney General with Jack Dillion and as Law Clerk to State Appellate Court, Judge White. He also went on to earn a law degree from Indiana University; and

WHEREAS, John continued to have a keen interest in government at the city, state, national and international levels. He was honored when his former Georgetown student-government colleague, former President Bill Clinton, invited him and his family to the White House; and

WHEREAS, John's life-long career was spent serving the U.S. Department of Veterans Affairs, Indianapolis office, where he served with distinction, becoming the Regional Counsel and having authority for Legal Affairs and staff (Indiana and Kentucky regions). In recognition of his work on behalf of veterans and the hospitals that served them, he was bestowed a Kentucky Colonel by the State of Kentucky; and

WHEREAS, among his many accomplishments, John was past President of the Federal Bar Association; President of the Civil War Roundtable (Indianapolis); and Lector at his parish. As a leader, a co-worker, or friend, he was a man of wit and wisdom who loved his family, missed his dog Max, still rooted for the Cubs and the Colts and treated everyone kindly; and

WHEREAS, those who knew him best will remember his great love of reading, visiting bookstores and collecting books, visiting museums, attending family outings along the Eastern Shore and Lake Michigan, and playing golf for 37 ½ years on Wednesdays with the same buddies; now, therefore,

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly honors John Alan Houff for his immense service and dedication to the community, the State of Indiana and the veterans he served.

SECTION 2. The Council expresses its deepest sympathy to Mrs. Rosie Houff and their son Benjamin for the loss of this great man, of whom they loved and supported through all his wonderful adventures.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillors McQuillen and Gray asked for consent to vote on Proposal Nos. 427-436, 2015 together. Consent was given.

PROPOSAL NO. 427, 2015. The proposal, sponsored by all Councillors, recognizes the public service of Councillor John Barth. PROPOSAL NO. 428, 2015. The proposal, sponsored by all Councillors, recognizes the public service of Councillor Virginia "Ginny" Cain. PROPOSAL NO. 429, 2015. The proposal, sponsored by all Councillors, recognizes the public service of Councillor Jose Evans. PROPOSAL NO. 430, 2015. The proposal, sponsored by all Councillors, recognizes the public service of Councillor Will Gooden. PROPOSAL NO. 431, 2015. The proposal, sponsored by all Councillors, recognizes the public service of Councillor Pamela Hickman. PROPOSAL NO. 432, 2015. The proposal, sponsored by all Councillors, recognizes the public service of Councillor Benjamin Hunter. PROPOSAL NO. 433, 2015. The proposal, sponsored by all Councillors, recognizes the public service of Councillor Robert "Bob" Lutz. PROPOSAL NO. 434, 2015. The proposal, sponsored by all Councillors, recognizes the public service of Councillor Angela Mansfield. PROPOSAL NO. 435, 2015. The proposal, sponsored by all Councillors, recognizes the public service of Councillor Jefferson Shreve. PROPOSAL NO. 436, 2015. The proposal, sponsored by all Councillors, recognizes the public service of Councillor Kip Tew. Councillors McQuillen and Gray read the proposals and presented outgoing Councillors with copies of the documents and Council pins. The honorees thanked the Council for the recognition. Councillor McQuillen moved, seconded by Councillor Gray, for adoption. Proposal Nos. 427-436, 2015 were adopted by a unanimous voice vote.

Proposal No. 427, 2015 was retitled SPECIAL RESOLUTION NO. 53, 2015, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 53, 2015

A SPECIAL RESOLUTION recognizing the public service of Councillor John Barth.

WHEREAS, a free nation rests upon the willingness of responsible citizens who voluntarily and actively participate in the governmental process; and

WHEREAS, the pursuit and achievement of elective office with its attendant commitments of self, time, and energy represents one of the highest expressions of citizenship participation; and

WHEREAS, City-County Councillor John Barth has, with integrity and sincerity, served his constituents and the people of Indianapolis well from 2012 through 2015; and

WHEREAS, Councillor Barth diligently served as chair of the Community Affairs, now Community Affairs and Education Committee, as well as served on the following committees: Metropolitan and Economic Development, Parks and Recreation, and Rules and Public Policy. He also served as Council Vice President from 2013-2015; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the four years of dedicated service given by Councillor John Barth as a member of the Council.

SECTION 2. On behalf of the citizens of Indianapolis, the Council extends its appreciation and gratitude to Councillor Barth, and encourages him to remain an active participant in the life of this community.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

*December 14, 2015*

Proposal No. 428, 2015 was retitled SPECIAL RESOLUTION NO. 54, 2015, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 54, 2015

A SPECIAL RESOLUTION recognizing the public service of Councillor Virginia “Ginny” Cain.

WHEREAS, a free nation rests upon the willingness of responsible citizens who voluntarily and actively participate in the governmental process; and

WHEREAS, the pursuit and achievement of elective office with its attendant commitments of self, time, and energy represents one of the highest expressions of citizenship participation; and

WHEREAS, City-County Councillor Ginny Cain has, with integrity and sincerity, served her constituents and the people of Indianapolis well from 2004 through 2015; and

WHEREAS, Councillor Cain diligently served on the following committees: Community Affairs, Economic Development, Metropolitan Development (and the now combined Metropolitan and Economic Development), Parks and Recreation, and Public Works, as well as Ethics and special Investigative Committee on Ethics, both of which she chaired; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the 12 years of dedicated service given by Councillor Virginia “Ginny” Cain as a member of the Council.

SECTION 2. On behalf of the citizens of Indianapolis, the Council extends its appreciation and gratitude to Councillor Cain, and encourages her to remain an active participant in the life of this community.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 429, 2015 was retitled SPECIAL RESOLUTION NO. 55, 2015, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 55, 2015

A SPECIAL RESOLUTION recognizing the public service of Councillor Jose Evans.

WHEREAS, a free nation rests upon the willingness of responsible citizens who voluntarily and actively participate in the governmental process; and

WHEREAS, the pursuit and achievement of elective office with its attendant commitments of self, time, and energy represents one of the highest expressions of citizenship participation; and

WHEREAS, City-County Councillor Jose Evans has, with integrity and sincerity, served his constituents and the people of Indianapolis well from 2008 through 2015; and

WHEREAS, Councillor Evans diligently served on the Community Affairs and Education Committee, Economic Development Committee, Ethics Committee, Metropolitan Development Committee, and Public Works Committee; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the eight years of dedicated service given by Councillor Jose Evans as a member of the Council.

SECTION 2. On behalf of the citizens of Indianapolis, the Council extends its appreciation and gratitude to Councillor Evans, and encourages him to remain an active participant in the life of this community.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 430, 2015 was retitled SPECIAL RESOLUTION NO. 56, 2015, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 56, 2015

A SPECIAL RESOLUTION recognizing the public service of Councillor Will Gooden.

WHEREAS, a free nation rests upon the willingness of responsible citizens who voluntarily and actively participate in the governmental process; and

WHEREAS, the pursuit and achievement of elective office with its attendant commitments of self, time, and energy represents one of the highest expressions of citizenship participation; and

WHEREAS, City-County Councillor Will Gooden has, with integrity and sincerity, served his constituents and the people of Indianapolis well from 2012 through 2015; and

WHEREAS, Councillor Gooden diligently served on the following committees: Community Affairs, Law Enforcement Study Commission, Rules and Public Policy, and Parks and Recreation; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the nearly four years of dedicated service given by Councillor Will Gooden as a member of the Council.

SECTION 2. On behalf of the citizens of Indianapolis, the Council extends its appreciation and gratitude to Councillor Gooden, and encourages him to remain an active participant in the life of this community.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 431, 2015 was retitled SPECIAL RESOLUTION NO. 57, 2015, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 57, 2015

A SPECIAL RESOLUTION recognizing the public service of Councillor Pamela Hickman.

WHEREAS, a free nation rests upon the willingness of responsible citizens who voluntarily and actively participate in the governmental process; and

WHEREAS, the pursuit and achievement of elective office with its attendant commitments of self, time, and energy represents one of the highest expressions of citizenship participation; and

WHEREAS, Councillor Pam Hickman has, with integrity and sincerity, served her constituents and the people of Indianapolis well from 2012 through 2015; and

WHEREAS, Councillor Hickman attentively served on the Administration and Finance, Community Affairs and Education, Rules and Public Policy, Parks and Recreation, Public Works, and Regional Operations Center Investigating Committees, as well as served as chair of the Ethics Committee of the Council; now, therefore:



*December 14, 2015*

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes Councillor Pamela Hickman's four years of dedicated service as a member of the Council.

SECTION 2. On behalf of the citizens of Indianapolis, the Council extends its appreciation and gratitude to Councillor Hickman, and encourages her to remain an active participant in the life of this community.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 432, 2015 was retitled SPECIAL RESOLUTION NO. 58, 2015, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 58, 2015

A SPECIAL RESOLUTION recognizing the public service of Councillor Benjamin Hunter.

WHEREAS, a free nation rests upon the willingness of responsible citizens who voluntarily and actively participate in the governmental process; and

WHEREAS, the pursuit and achievement of elective office with its attendant commitments of self, time, and energy represents one of the highest expressions of citizenship participation; and

WHEREAS, City-County Councillor Benjamin Hunter has, with integrity and sincerity, served his constituents and the people of Indianapolis well from 2008 through 2015; and

WHEREAS, Councillor Hunter attentively served on the following committees: Administration and Finance, Community Affairs, Metropolitan Development, Parks and Recreation; as well as Public Safety and Criminal Justice and Public Works, both of which he chaired. He also served on special committees, including Law Enforcement Study Commission and the Regional Operations Center Investigating Committee; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes Councillor Benjamin Hunter for his eight years of dedicated service as a member of the Council.

SECTION 2. On behalf of the citizens of Indianapolis, the Council extends its appreciation and gratitude to Councillor Hunter, and encourages him to remain an active participant in the life of this community.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 433, 2015 was retitled SPECIAL RESOLUTION NO. 59, 2015, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 59, 2015

A SPECIAL RESOLUTION recognizing the public service of Councillor Robert "Bob" Lutz.

WHEREAS, a free nation rests upon the willingness of responsible citizens who voluntarily and actively participate in the governmental process; and

WHEREAS, the pursuit and achievement of elective office with its attendant commitments of self, time, and energy represents one of the highest expressions of citizenship participation; and

WHEREAS, with integrity and sincerity, City-County Councillor Bob Lutz has served his constituents and the people of Indianapolis well from 2007 through 2015; and

WHEREAS, Councillor Lutz thoroughly served on the Municipal Corporations, Economic Development, Metropolitan Development, Ethics, Public Works, and Parks and Recreation Committees; as well as served on and chaired the Criminal Justice and Courts and Rules and Public Policy Committees. He also served on the special Investigative Election Committee; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the nine years of dedicated service given by Councillor Robert “Bob” Lutz as a member of the Council.

SECTION 2. On behalf of the citizens of Indianapolis, the Council extends its appreciation and gratitude to Councillor Lutz, and encourages him to remain an active participant in the life of this community.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 434, 2015 was retitled SPECIAL RESOLUTION NO. 60, 2015, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 60, 2015

A SPECIAL RESOLUTION recognizing the public service of Councillor Angela Mansfield.

WHEREAS, a free nation rests upon the willingness of responsible citizens who voluntarily and actively participate in the governmental process; and

WHEREAS, the pursuit and achievement of elective office with its attendant commitments of self, time, and energy represents one of the highest expressions of citizenship participation; and

WHEREAS, from 2004 through 2015, City-County Councillor Angela Mansfield has served her constituents and the people of Indianapolis with integrity and sincerity; and

WHEREAS, Councillor Mansfield meticulously served on the Metropolitan Development, Community Affairs, Rules and Public Policy, and Public Works Committees, as well as the Administration and Finance Committee, of which she chaired. She additionally served on special committees: Law Enforcement Study Commission and the Regional Operations Center Investigating Committee; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes Councillor Angela Mansfield for her 12 years of dedicated service as a member of the Council.

SECTION 2. On behalf of the citizens of Indianapolis, the Council extends its appreciation and gratitude to Councillor Mansfield, and encourages her to remain an active participant in the life of this community.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 435, 2015 was retitled SPECIAL RESOLUTION NO. 61, 2015, and reads as follows:

*December 14, 2015*

CITY-COUNTY SPECIAL RESOLUTION NO. 61, 2015

A SPECIAL RESOLUTION recognizing the public service of Councillor Jefferson Shreve.

WHEREAS, a free nation rests upon the willingness of responsible citizens who voluntarily and actively participate in the governmental process; and

WHEREAS, the pursuit and achievement of elective office with its attendant commitments of self, time, and energy represents one of the highest expressions of citizenship participation; and

WHEREAS, City-County Councillor Jefferson Shreve has, with integrity and sincerity, served his constituents and the people of Indianapolis well from 2013 through 2015; and

WHEREAS, Councillor Shreve served on the Ethics and Community Affairs and Education Committees, as well as the IMPD Staffing Commission in 2014; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the nearly three years of dedicated service given by Councillor Jefferson Shreve as a member of the Council.

SECTION 2. On behalf of the citizens of Indianapolis, the Council extends its appreciation and gratitude to Councillor Shreve, and encourages him to remain an active participant in the life of this community.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 436, 2015 was retitled SPECIAL RESOLUTION NO. 62, 2015, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 62, 2015

A SPECIAL RESOLUTION recognizing the public service of Councillor Kip Tew.

WHEREAS, a free nation rests upon the willingness of responsible citizens who voluntarily and actively participate in the governmental process; and

WHEREAS, the pursuit and achievement of elective office with its attendant commitments of self, time, and energy represents one of the highest expressions of citizenship participation; and

WHEREAS, City-County Councillor Kip Tew has, with integrity and sincerity, served his constituents and the people of Indianapolis well from 2014 through 2015; and

WHEREAS, Councillor Tew attentively served on the Municipal Corporations and Public Works Committees; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the one year of dedicated service given by Councillor Kip Tew as a member of the Council.

SECTION 2. On behalf of the citizens of Indianapolis, the Council extends its appreciation and gratitude to Councillor Tew, and encourages him to remain an active participant in the life of this community.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Oliver recognized members of School Excellence from School 36 in attendance this evening to learn more about local government.

President Lewis passed the gavel to Vice President Barth.

PROPOSAL NO. 437, 2015. The proposal, sponsored by All Councillors, recognizes the public service of Councillor Mary Moriarty Adams. Councillor Lewis read the proposal and presented Councillor Moriarty Adams with a copy of the document and a Council pin. Councillor Moriarty Adams thanked the Council for the recognition. Councillor Lewis moved, seconded by Councillor Hunter, for adoption. Proposal No. 437, 2015 was adopted by a unanimous voice vote.

Proposal No. 437, 2015 was retitled SPECIAL RESOLUTION NO. 63, 2015, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 63, 2015

A SPECIAL RESOLUTION recognizing the public service of Councillor Mary Moriarty Adams.

WHEREAS, a free nation rests upon the willingness of responsible citizens who voluntarily and actively participate in the governmental process; and

WHEREAS, the pursuit and achievement of elective office with its attendant commitments of self, time, and energy represents one of the highest expressions of citizenship participation; and

WHEREAS, City-County Councillor Mary Moriarty Adams has diligently served her constituents and the people of Indianapolis with integrity and sincerity from 1988 through 2015; and

WHEREAS, during her 28 years on the Council, Councillor Moriarty Adams attentively served on the following committees: Administration and Finance, Community Affairs, Economic Development, Ethics, Metropolitan and Economic Development, Parks and Recreation, Public Works, Rules and Public Policy Committees, as well as served several years as the chair of the Public Safety and Criminal Justice Committee, and did so during the consolidation of the Indianapolis Police Department and the Law Enforcement Division of the Marion County Sheriff's Department, now Indianapolis Metropolitan Police Department. She also served on special committees, including the IMPD Staffing Study Commission and the Re-Entry Policy Study Commission, of which she chaired; and

WHEREAS, most notably, Councillor Moriarty Adams is the first woman to chair the Public Safety and Criminal Justice Committee, and one of only two of the longest serving women Councillors. She has also served as a member of the Criminal Justice Planning Council, the Marion County Community Corrections Advisory Board, the Domestic Violence Network Board, a board that determined the need to build and privatize Jail II, and a committee that privatized the City's wastewater treatment facility; and

WHEREAS, Councillor Moriarty Adams worked with Prosecutor Modisett to spearhead initiatives that helped curb prostitution on the near eastside of Indianapolis; and throughout her tenure, she has been a strong voice for the citizens of Indianapolis, and her legacy will be ever present; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the tenure of Councillor Mary Moriarty Adams and her 28 years of dedicated service as a member of the Council.

SECTION 2. On behalf of the citizens of Indianapolis, the Council extends its appreciation and gratitude to Councillor Moriarty Adams, and encourages her to remain an active participant in the life of this community.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Vice President Barth returned the gavel to President Lewis.

Vice President Barth recognized those Councillors with perfect attendance at Committee and Council meetings in 2015: Jason Holliday, LaKeisha Jackson, Maggie Lewis, Robert Lutz, Janice McHenry, Michael McQuillen, Mary Moriarty Adams, and William Oliver.

PROPOSAL NO. 438, 2015. The proposal, sponsored by Councillor Lutz, accepts the disclosure of a contract between the Marion County Public Defender Agency and Brian Lutz. Councillor Lutz said that he is required to disclose this relationship as per statute every year. Fred Biesecker, stated that this is the third or fourth year of doing this. Councillor McQuillen moved, seconded by Councillor Gooden, for adoption. Proposal No. 438, 2015 was adopted by a voice vote. {Clerk's Note: Councillor Lutz asked to be shown as an abstention on Proposal No. 438, 2015.}

Proposal No. 438, 2015 was retitled COUNCIL RESOLUTION NO. 57, 2015, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 57, 2015

A PROPOSAL FOR A COUNCIL RESOLUTION accepting the disclosure of a contract between the Marion County Public Defender Agency and Brian Lutz.

WHEREAS, pursuant to I.C. 36-1-21-5, certain contracts between city agencies and individuals who are relatives of an elected official must be disclosed to and accepted by the Council; and

WHEREAS, the Marion County Public Defender Agency intends to renew a contract for services with Brian Lutz, who is the adult, non-dependent son of Councillor Robert Lutz; and

WHEREAS, Councillor Lutz has submitted the written disclosure required by I.C. 36-1-21-5 (b) (1); now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Council hereby accepts the written disclosure submitted by Councillor Lutz, attached hereto as Exhibit A.

SECTION 2. The Council hereby directs that a copy of the resolution and the written disclosure be filed with the State Board of Accounts and the Clerk of the Marion Circuit Court within fifteen (15) days after final action on the contract.

PROPOSAL NO. 334, 2015. Councillor Mansfield reported that the Administration and Finance Committee heard Proposal No. 334, 2015 on December 8, 2015. The proposal, sponsored by Councillors Lewis, Barth and Gray, reappoints Ezra Burdix to the Indianapolis Marion County Building Authority Board of Trustees. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Mansfield moved, seconded by Councillor Simpson, for adoption. Proposal No. 334, 2015 was adopted on the following roll call vote; viz:

29 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday,  
Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty  
Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson  
0 NAYS:  
0 NOT VOTING:  
0 ABSENT:

Proposal No. 334, 2015 was retitled COUNCIL RESOLUTION NO. 58, 2015, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 58, 2015

A COUNCIL RESOLUTION reappointing Ezra Burdix to the Indianapolis Marion County Building Authority Board Of Trustees.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis Marion County Building Authority Board Of Trustees, the Council reappoints:

Ezra Burdix

SECTION 2. The appointment made by this resolution is for a term ending June 30, 2019. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

**SPECIAL ORDERS - PRIORITY BUSINESS**

PROPOSAL NOS. 146-156, 2015. Introduced by Councillor Robinson. Proposal Nos. 146-156, 2015 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on December 3, 2015. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 104-113, 2015, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 104, 2015.

2015-ZON-059

8541, 8549, 8555, 8557, 8563, 8569, 8575 AND 8585 NORTH MERIDIAN STREET; 25 AND 35 EAST 86TH STREET AND 8570 NORTH PENNSYLVANIA STREET (APPROXIMATE ADDRESS)

WASHINGTON TOWNSHIP, CD #3

STONECREST SENIOR LIVING, by Brian J. Tuohy requests Rezoning of 4.78 acres from the D-1 district to the D-P classification to provide for an assisted living facility, with 30 memory care units, 55 assisted living units and 59 parking spaces.

REZONING ORDINANCE NO. 105, 2015.

2015-ZON-065

526-528 NORTH ORIENTAL STREET (APPROXIMATE ADDRESS)

CENTER TOWNSHIP, CD #16

TIM HARMON AND MARIBETH BAILEY request Rezoning of 0.97 acre from the I-3-U district to the D-8 classification.

REZONING ORDINANCE NO. 106, 2015.

2015-ZON-076

628 NORTH EAST STREET

CENTER TOWNSHIP, CD #9

THE REDEVELOPMENT GROUP requests Rezoning 0.10 acres from CS district to D-8 classification to allow reduced open space.

REZONING ORDINANCE NO. 107, 2015.

2015-ZON-080

860, 862 AND 864 SOUTH HOLMES AVENUE (APPROXIMATE ADDRESS)

WAYNE TOWNSHIP, CD #19

*December 14, 2015*

INDIANAPOLIS DISTRICT CHURCH OF THE NAZARENE, by David Kingen and Justin Kingen requests Rezoning of 0.39 acre from the D-5 district to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 108, 2015.

2015-ZON-081

4705 SOUTH EMERSON AVENUE (REAR) (APPROXIMATE ADDRESS)

FRANKLIN TOWNSHIP, CD #25

STORAGE DEPOT EMERSON, LLC, by J. Murray Clark requests Rezoning of 1.23 acres from the C-3 district to the C-S classification to provide for the expansion of an existing self-storage facility.

REZONING ORDINANCE NO. 109, 2015.

2015-CZN-820

2721 EAST 86TH STREET

WASHINGTON TOWNSHIP, CD #3

HENDRICKS COMMERCIAL PROPERTIES, LLC, by Michael Rabinowitch requests Rezoning of 4.5 acres from the C-S (FF) district to the C-S (FF) classification to provide for C-3 uses, with certain prohibited uses (automobile oil change or lubrication shops, check cashing or validation service, gasoline service station, outdoor advertising signs, tattoo parlor, bait and tackle shop and pawn shop), drinking places, and a hotel, with outdoor seating.

REZONING ORDINANCE NO. 110, 2015.

2015-CZN-823

1226 DR. MARTIN LUTHER KING JUNIOR STREET

CENTER TOWNSHIP, CD #15

VAN ROOY PROPERTIES, INC., by Joseph D. Calderon request Rezoning of 0.74 acre from the SU-2 (RC) (W-5) district to the CBD-S (RC) (W-5) classification to provide for multi-family uses within the Philips Temple building and within a new building, with development standards determined during Regional Center review.

REZONING ORDINANCE NO. 111, 2015.

2015-ZON-021B

122 NORTH ARSENAL AVENUE (APPROXIMATE ADDRESS)

CENTER TOWNSHIP, CD #16

ROMAN CATHOLIC ARCHDIOCESE OF INDIANAPOLIS PROPERTIES, INC., by Paul J. Carroll requests Rezoning of 0.15 acre from the D-8 District to the SU-1 classification to provide for a playground and religious use.

REZONING ORDINANCE NO. 112, 2015.

2015-ZON-074

1615 WEST EDGEWOOD AVENUE (APPROXIMATE ADDRESS)

PERRY TOWNSHIP, CD #22

PAUL M. COOK AND ANNE E. COOK, by Travis W. Montgomery request a Rezoning of 1.45 acres from the D-A (W-1) district to the C-4 (W-1) classification to provide for a 10,000-square foot building for a haunted house.

REZONING ORDINANCE NO. 113, 2015.

2015-ZON-084

1802 NORTH ILLINOIS STREET (APPROXIMATE ADDRESS)

CENTER TOWNSHIP, CD #15

METHODIST HOSPITAL OF INDIANA, INC., by David Kingen and Justin Kingen requests Rezoning of 0.67 acre from the C-4 (RC) (W-5) district to the HD-1 (RC) (W-5) classification.

### **SPECIAL ORDERS - PUBLIC HEARING**

PROPOSAL NO. 123, 2015. The proposal, sponsored by Councillor Robinson, is a rezoning ordinance for Center Township, District 19, 340 South White River Parkway, West Drive (2014-CZN-835). The proposal was called out for public hearing on May 11, 2015 by Councillor Miller and then postponed by the Council on May 11, June 8, July 13, August 17, September 14, September 28, 2015, October 12, 2015, November 9, 2015 and November 30, 2015.

Councillor Miller made the following motion:

Madam President:

The petitioner involved in Proposal No. 123, 2015 (Rezoning Docket No. 2014-CZN-835), located at 340 South White River Parkway, West Drive, has decided to withdraw their rezoning petition at this time. Therefore, it will not be necessary to have a public hearing on this matter; and I move that the decision of the Metropolitan Development Commission be overturned and Proposal No. 123, 2015 (Rezoning Docket No. 2014-CZN-835) be defeated, so that the rezoning is not adopted and the zoning is not changed from its current designation.

Councillor Adamson seconded the motion, and Proposal No. 123, 2015 was defeated by a unanimous voice vote.

PROPOSAL NO. 289, 2015. Councillor Adamson reported that the Public Works Committee heard Proposal No. 289, 2015 on October 22, November 19 and December 10, 2015. The proposal, sponsored by Councillors Freeman, McQuillen and Sandlin, amends Sec. 131-425 of the Code to cap residential stormwater user fees at 20 base billing units (BBUs). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Freeman thanked Councillor Adamson for working with him to get this passed. He said that a large church in his district is paying \$13,000 a year for stormwater costs, and while this still will not help him, he hopes they can make further strides to fixing the rest of the problem next year. However, it will help many residents who are being hit hard with large bills at this time, and therefore, he appreciates the support of fellow Councillors.

Councillor Sandlin said that he has a high number of retirees in his district and even with this cap, there is still a significant increase in this fee for a basic necessity. He said that his property increased to 10 BBUs, and his neighbors are also facing substantial increases. He said that the issue needs to be further addressed in the coming year, but this is a good start.

The President called for public testimony at 8:09 p.m.

Larry Vaughn, citizen, said that over the last administration, all of the infrastructure work that is being done has been shoddy and unprofessional, and they are using materials that will not last.

There being no further testimony, Councillor Adamson moved, seconded by Councillor Freeman, for adoption. Proposal No. 289, 2015 was adopted on the following roll call vote; viz:

*29 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty, Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson*  
*0 NAYS:*

Proposal No. 289, 2015 was retitled GENERAL ORDINANCE NO. 80, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 80, 2015

A PROPOSAL FOR A GENERAL ORDINANCE amending Sec. 131-425 of the Revised Code of the Consolidated City and County to cap residential stormwater user fees at 20 base billing units (BBUs).



BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Sec. 131-425 of the Revised Code of the Consolidated City and County be, and is hereby, amended by inserting the underlined text, to read as follows:

**Sec. 131-425. Calculation of user fees based on BBUs.**

Beginning on July 1, 2015, stormwater user fees shall be calculated as follows:

- (1) Stormwater user fees for all other parcels within the district, residential and nonresidential, shall be calculated as follows:
  - a) The monthly stormwater user fee shall be calculated utilizing the measured impervious area (IA) for each parcel and assigning the parcel to a group assigned one (1) base billing unit (BBU) or a multiple of BBUs following the convention 1—1,000 square feet of measured IA is assigned one (1) BBU; 1,001—2,000 square feet of measured IA is assigned two (2) BBUs; 2,001—3,000 square feet of measured IA is assigned three (3) BBUs and progressing in a manner such that each additional 1,000 square foot unit of IA is assigned an additional BBU. BBUs shall be assigned to each parcel proportional to each one thousand-square foot increment of IA contained on the parcel. No parcel containing measurable IA greater than one (1) square foot shall be assigned less than one (1) BBU unless exempted by Sec. 131-422.
  - b) The impervious area measurement shall be rounded to the nearest whole square foot.
  - c) The impervious area measurement of a residential parcel shall not be assessed for more than twenty (20) BBUs.
- (2) Exemptions from the assignment of BBUs shall be governed by Sec. 131-422. Credits to the stormwater user fee shall be governed by Sec. 676-303, fee adjustments shall be governed by Sec. 676-304 and appeals shall be governed by Sec. 676-304 of this Code.
- (3) The stormwater user fee established in Sec. 131-422 shall change annually subject to the automatic rate adjustment procedures outlined herein.

Stormwater Rate Adjustment Schedule 2015-2019					
Year	July 1, 2015	January 1, 2016	January 1, 2017	January 1, 2018	January 1, 2019
\$Rate/1,000 square feet impervious area	\$1.10	\$1.15	\$1.20	\$1.25	\$1.30

To the extent a sustainable operations and capital improvement program will be maintained and to meet indexing costs after 2019, a stormwater user fee adjustment shall occur automatically each year on January 1 at a rate of \$0.05 per 1,000 square feet of impervious surface as defined herein through January 1, 2034 unless otherwise modified as allowed by the articles of this or other applicable ordinance.

The increased stormwater user fee shall be rounded up to the nearest whole cent per BBU.

SECTION 2. This ordinance shall be in full force and effect from and adoption and compliance with IC 36-3-4-14 and the changes in the stormwater fees shall be retroactive to July 1, 2015.

PROPOSAL NO. 353, 2015. Councillor Gray reported that the Municipal Corporations Committee heard Proposal No. 353, 2015 on December 2, 2015. The proposal, sponsored by Councillors Gray, Lutz and Jackson, approves the appropriation of e-rate proceeds in the amount of \$350,451 into the Indianapolis Marion County Public Library's General Fund for the purpose of financing an upgrade in the network equipment. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:11 p.m. There being no one present to testify, Councillor Tew moved, seconded by Councillor Adamson, for adoption. Proposal No. 353, 2015 was adopted on the following roll call vote; viz:

29 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty, Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson  
0 NAYS:

Proposal No. 353, 2015 was retitled FISCAL ORDINANCE NO. 51, 2015, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 51, 2015

A FISCAL ORDINANCE approving the appropriation of E-rate proceeds in the amount of Three Hundred Fifty Thousand Four Hundred Fifty-One Dollars (\$350,451) to the General Fund for the purpose of financing an upgrade in the network equipment of the Indianapolis-Marion County Public Library.

WHEREAS, on October 26, 2015, the Library Board (the "Library Board") of the Indianapolis-Marion County Public Library, Indiana (the "Public Library") adopted Resolution 45-2015 (the "Additional Appropriation of E-rate Funds to Purchase Equipment for Network Upgrade") appropriating the sum of Three Hundred Fifty Thousand Four Hundred Fifty-One Dollars (\$350,451) from E-rate proceeds to the General Fund. Since its inception in 1996 the program commonly known as E-rate, has helped ensure that eligible schools and libraries have affordable access to the internet. It is the government's largest educational technology program. The Federal Communications Commission (FCC) adopted the *E-rate Modernization Order* on July 11, 2014. The order focuses on expanding funding for Wi-Fi networks in elementary and secondary schools and libraries across America. The Order increases focus on closing the Wi-Fi gap, while transitioning support away from legacy technologies, like voice communication. The Library took advantage of the E-rate Modernization Order and applied for the additional funds for Network Equipment and Wireless Access Points and received notice in October that the request had been approved. The equipment will provide the following upgrades: new wireless access points for all locations, growth in the number of wireless access points from 105 to 120, a second wireless controller to be installed at Central, new network switches, a second internet router for security, 10-fold increase in speed at all public locations, and reconfiguration of the Public Library e911 equipment at every branch; and

WHEREAS, the Library Board has requested the approval of the City-County Council, pursuant to IC 6-1.1-18-5(j), of the approval of the additional appropriation of the E-rate proceeds to the General Fund and the City-County Council now finds that the appropriation set forth above should be approved; and

WHEREAS, notice of a hearing on said appropriation has been published as required by law; and

WHEREAS, such public hearing on said appropriation has been held on the date hereof at this location and prior to consideration of this Ordinance at which all taxpayers and interested persons had an opportunity to appear and express their views as to such additional appropriation; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA

SECTION 1. The City-County Council does hereby approve the appropriation of Three Hundred Fifty Thousand Four Hundred Fifty-One Dollars (\$350,451) out of the E-rate proceeds (the "Additional Appropriation of E-rate Funds to Purchase Equipment for Network Upgrade"), to the General Fund of the Public Library, all of which sum shall be for the use of the Public Library in paying the costs of upgrading the network equipment.

SECTION 2. The Additional Appropriation of E-rate Funds to Purchase Equipment for Network Upgrade shall be in addition to all appropriations provided for in the existing budget and levy of the Public Library, and shall continue in effect until the completion of the network upgrade. Any surplus of such proceeds shall be credited to the proper fund as required by law.

SECTION 3. Any and all prior actions taken by any officer of the Public Library, the City or any member of the Library Board or the City-County Council in connection and consistent with this Ordinance, including, but not limited to, publication of the notice of the public hearing held on the date hereof, is hereby ratified and approved.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14, 36-3-4-15, 36-3-4-16 and 36-3-4-17.

### **SPECIAL ORDERS - UNFINISHED BUSINESS**

PROPOSAL NO. 315, 2015. Councillor Barth reported that the Community Affairs and Education Committee heard Proposal No. 315, 2015 on October 14, 2015. The proposal was postponed in full Council on November 9, 2015, adopted by the full Council on November 30, 2015, and vetoed by the Mayor on December 11, 2015. The proposal, sponsored by Councillor Barth, amends the Code by adding a new chapter establishing the Indianapolis-Marion County public art for neighborhoods program.

Councillor Barth said that he has worked on this legislation over two years with two different chiefs of staff. The amendments made to the proposal were done at the request of the Mayor's chiefs of staff in order for the Mayor to support the proposal, and it was passed by the full Council with those amendments. Therefore, he is surprised that the proposal was vetoed.

Councillor Adamson thanked Councillor Barth for his work on this program and said that it would be a great asset for this City. It would provide exposure to arts and build communities, and he is excited to be a part of it.

Councillor Miller said that he is bummed, because he thinks this is an important initiative. He said that he does not believe there are sufficient votes to override the veto, but he hopes that another Councillor will take up the reigns and re-introduce the proposal for further consideration after Councillor Barth has left the Council.

Councillor Gray encouraged his colleagues to support this initiative. With the current crime rate in the City, he said that anything that can be done to stop one kid from committing a crime is worth it.

Councillor Hickman said that she is very disappointed with the veto. She said that this does not cost the City any money, and she would be honored to have this as a pride of the City, and the veto does not make sense.

Councillor Barth moved, seconded by Councillor Adamson, to override the veto of Proposal No. 315, 2015. The motion failed on the following roll call vote; viz:

*16 YEAS: Adamson, Barth, Clay, Gray, Hickman, Hunter, Lewis, Mansfield, Mascari, Moriarty Adams, Oliver, Osili, Robinson, Shreve, Simpson, Tew*  
*13 NAYS: Cain, Evans, Freeman, Gooden, Holliday, Jackson, Lutz, McHenry, McQuillen, Miller, Pfisterer, Sandlin, Scales*

### **SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 102, 2015. Councillor Osili reported that the Rules and Public Policy Committee heard Proposal No. 102, 2015 on June 23, August 11, October 27 and December 1, 2015. The proposal, sponsored by Councillor Hunter, adds a new Sec. 202-209 to the Code regarding real property leases, to improve the planning, reporting, analysis and negotiation of real property leasing by departments, agencies and offices of the city and county. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Hunter moved to amend the proposal as previously amended in committee by deleting the added subsections b and c, and relabeling subsection d as b. He said that State Law does not cover the stricken sections. Councillor Lutz seconded the motion.

General Counsel Fred Biesecker said that they will keep subsection d, to provide a broader definition of the term "lease." Some agencies will take documents and call them something else in order to get around the requirements in the statute. This makes the definition deliberately broad to cover that problem.

Proposal No. 102, 2015 was amended on the following roll call vote; viz:

*23 YEAS: Adamson, Barth, Cain, Evans, Freeman, Gooden, Hickman, Holliday, Hunter, Lewis, Lutz, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Tew*  
*6 NAYS: Clay, Gray, Jackson, Mansfield, Oliver, Simpson*

Councillor Osili moved, seconded by Councillor Adamson for adoption, as amended. Proposal No. 102, 2015 was adopted on the following roll call vote; viz:

*27 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Hickman, Holliday, Hunter, Lewis, Lutz, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew*  
*2 NAYS: Gray, Jackson*

Proposal No. 102, 2015, as amended, was retitled GENERAL ORDINANCE NO. 81, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 81, 2015

PROPOSAL FOR A GENERAL ORDINANCE to add to the Revised Code, Section 202-209.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 202-209, Real Property Leases of the "Revised Code of the Consolidated City and County," regarding Real Property Leases, hereby is created by the addition of the language below to read as follows:

**Sec. 202-209. Real Property Leasing, Disposal and Purchasing**

(a) With respect to the leasing of real property by departments, offices, and agencies of the city and county, the office of finance and management, through its controller and director of real estate, shall do the following:

- (1) promulgate real property purchasing, disposal, and leasing policies and procedures provided such actions are not in conflict with any federal, state, or local laws;
- (2) with assistance from the Office of Corporation Counsel, negotiate, review, and approve real property leases on behalf of the departments, offices, and agencies of the city and county;
- (3) pursue all legal approvals necessary for the execution of any real property lease, including those contained in IC 36-1-10, together with a representative of the department, office, or agency seeking to lease such real property;
- (4) require the department, office, or agency requesting approval of such real property lease to obtain written confirmation from two persons professionally engaged in the appraisal of real property or those licensed under IC 25-34.1, as hereinafter amended or recodified, engaged in the leasing of real property that the total

amount to be paid pursuant to such lease is consistent with amounts paid for comparable property in the relevant market area;

- (5) require annual reports of expected annual real property leasing needs from each department, office, or agency of the city and county, and
  - (6) present a report of such annual anticipated real property leasing needs to the city-county council semi-annually;
  - (7) enter into contracts for services as needed to fulfill the duties and requirements of this section; and
  - (8) perform any other actions necessary to fulfill the requirements of this section, provided such actions are not in conflict with any federal, state, or local law.
- (b) For purposes of this Section, the terms “lease” or “leasing” include:
- (i) any agreement involving the occupancy or use of city or county real property by any person or entity other than the city or county; and
  - (ii) any agreement involving the occupancy or use by the city or county of real property not owned by the city or county.

SECTION 2. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 3. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 189, 2015. Councillor Osili reported that the Rules and Public Policy Committee heard Proposal No. 189, 2015 on June 23, August 11, September 22, October 27 and December 1, 2015. The proposal, sponsored by Councillor Tew, amends the Revised Code by adding a new Article II to Chapter 909 (Lobbyists) establishing the Indianapolis-Marion County Lobby Registration Commission. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Tew said that he agreed in committee to take the proposal to the transition team, and understood that some supportive votes in committee were provisional based on the new administration’s support. He said that he has had some conversations with the transitional team and he moved, seconded by Councillor Lutz, to strike Proposal No. 189, 2015.

Councillor Adamson said that he is uncomfortable with striking this proposal, and he hopes they will move forward with some good quality lobbying reform. He said that he will vote against the motion to strike and hopes the next administration will revive this issue.

Proposal No. 189, 2015 was stricken on the following roll call vote; viz:

*28 YEAS: Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew*  
*1 NAY: Adamson*

PROPOSAL NO. 228, 2015. Councillor Osili reported that the Rules and Public Policy Committee heard Proposal No. 228, 2015 on August 11 and December 1, 2015. The proposal, sponsored by Councillor Tew, amends the Code by adding a new Sec. 451-4 regarding the

reporting of lost or stolen firearms. By a 3-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Tew said that given the current crime epidemic, the intent of this proposal is to give another tool to law enforcement to track illegal and secondary markets for firearms in Indianapolis. He said that this will help with domestic violence restraining orders, as perpetrators will be required to surrender their weapons and prove if they are lost or stolen, or be held in contempt. He said that the State law bans a regulation by state and local municipalities regarding ownership and possession, not the reporting of stolen or lost firearms. Therefore, if there were those who sued, he does not believe any court would view this as a violation. He said that he is trying to do something about the trafficking of illegal weapons in good faith. Ohio and 11 other states have passed this type of legislation, and he believes it will help the Indianapolis Metropolitan Police Department (IMPD) stem the flow of illegal weapons in Indianapolis.

Councillor Oliver said that this measure is badly needed in his district and he fully supports it.

Councillor McQuillen said that criminals are not going to follow a new law, because they do not follow the ones already in place. He said that this is a clear and direct violation of State law, would place an undue burden on law-abiding gun owners, would be considered void, and would expose Indianapolis to excessive lawsuits and liabilities, with more than three times the damages assessed. He said that in the Chicago U.S. Supreme Court case, Chicago was assessed \$400,000 in damages.

Councillor Adamson said that this is a tool to give law enforcement one more way to combat the flow of illegal guns in to communities. It does not control law-abiding gun owners, and he strongly supports this to combat gun violence.

Councillor Simpson said that he lives in a district where shootings are a serious issue. He said that people are getting killed weekly and snitching will not solve the problem and they cannot continue to keep their heads in the sand. He said that if someone in another Councillor's district gets shot, they will change their views. He said that he has attended way too many funerals and they need to report these guns. He said that he owns legally registered guns, but the city needs help in controlling illegal guns.

Councillor Sandlin said that as a career law enforcement officer, there are a lot of laws on the books that if enforced, could be effective in controlling illegal guns on the streets. He said that he asked Councillor Tew what he considered to be the impact of this action, and he does not see how it can benefit the police at all. He said that a former U.S. Attorney is coming in as the new mayor and has made it his mission to address the crime issue with a task force. He said that there are tons of resources available and state and federal laws that can be effective if they use them. He said that the National Rifle Association (NRA) is not the only ones who can sue the city because of this legislation, and any citizen could bring a suit. He said that he cannot support this proposal due to the burden it puts on citizens, and the lawsuits could make it very expensive with very little results for another unenforced law.

Councillor Hickman said that she understands the concerns, as her husband is a member of the NRA. However, this city is under seige and she supports this proposal. The solution to every problem ends up with a rule, a law or a fine. If they do not start working on this issue, it will not get better before it gets worse.

Councillor Freeman said that he believes his colleagues in support of this initiative are well-intentioned. He said that he is a proud gun owner and member of the NRA, and he does not believe law abiding gun owners need more regulation. He said that this is a back door attempt at registration, and it will not hold up in court. He said that any private sale of a gun does not have to be registered, and they are criminalizing the victim for having a gun stolen. He said that the public safety problems they have are not due to law-abiding gun-owning citizens.

Councillor Clay said that guns recognize no boundaries: no color, class, culture or economy. He said that this is measured and reasonable, and he commended the sponsor for his courage and willingness to offer the legislation. He said that this does not place undue burden on reasonable people, and it makes sense and he will support it.

Councillor Miller said that there have been some 350 mass slayings across the country, and he does not know if this will solve anything, but they have to do something. He does not want illegal guns on the street, and he is frustrated. He wants to do something productive to combat the problem but is not sure this is it. He said that on the last day of this administration, this will most likely be vetoed, and he thinks if it is important enough, they need to let the new mayor decide whether he is ready to take the risk of getting sued. He said that they need more discussion and need to allow IMPD to testify fully about the need for this. He said that he believes a different, right approach can be considered.

Councillor Lutz said that he is diametrically opposed to this proposal. It is not a matter of whether or not they will get sued, as courts can decide those questions. If this did anything to curb the sale of illegal guns, he would support it, but it does not. It instead puts the burden on legal gun owners. He said that he insures his weapons and would report them missing, but unless there is some illegal conduct on the part of the owner, he does not think they should put additional burden on the owner to report.

Councillor Barth said that they are making this more complicated than it needs to be, and rational, reasonable people need to have this discussion. He said that he heard 20 gunshots in his house on one evening, from an incident taking place only 10 blocks from his home. He said that something needs to be done, and he supports this proposal.

Councillor Oliver said that Don's Guns recently had a break-in, and if those automatic weapons were taken, and the owner did not call the police, this body would have a problem with that. He said that if someone takes a weapon without the owner's knowledge or consent, it is probably going to be used improperly.

Councillor Osili moved, seconded by Councillor Tew, for adoption. Proposal No. 228, 2015 was adopted on the following roll call vote; viz:

*15 YEAS: Adamson, Barth, Clay, Gray, Hickman, Jackson, Lewis, Mansfield, Mascari, Moriarty Adams, Oliver, Osili, Robinson, Simpson, Tew*

*14 NAYS: Cain, Evans, Freeman, Gooden, Holliday, Hunter, Lutz, McHenry, McQuillen, Miller, Pfisterer, Sandlin, Scales, Shreve*

Proposal No. 228, 2015 was retitled GENERAL ORDINANCE NO. 82, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 82, 2015

PROPOSAL FOR A GENERAL ORDINANCE amending the Revised Code by adding a new Section 451-4 regarding the reporting of lost or stolen firearms.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Chapter 451 of the Revised Code is hereby amended by adding a new Section 451-4, to read as follows:

**Section 451-4. Reporting of lost or stolen firearms.**

(a) For purposes of this section, the term "firearm" means any weapon that is capable of expelling, designed to expel, or that may be readily converted to expel, a projectile by means of an explosion.

(b) If a firearm is lost or stolen, the owner or possessor of the firearm must report the loss or theft to the Indianapolis Metropolitan Police Department within 48 hours after the owner or possessor learns of the loss or theft, unless circumstances such as injury or illness prevent making the report within 48 hours, in which case the report shall be made within a reasonable time under the circumstances.

(c) A violation of this Section shall be punishable as provided in Section 103-52 of the Code.

SECTION 2. Section 103-52 of the Revised Code, Schedule of Code provisions and penalties, is hereby amended by adding the following:

Code Section	Subject Matter	Civil Penalty
451-4	Failure to report lost or stolen firearm	\$50.00

SECTION 3. This ordinance shall be in effect upon adoption and compliance with Indiana Code § 36-3-4-14.

PROPOSAL NO. 258, 2015. Councillor Osili reported that the Rules and Public Policy Committee heard Proposal No. 258, 2015 on September 22 and December 1, 2015. The proposal, sponsored by Councillors Miller and McQuillen, amends the Code regarding parking meter funds usage to align with state law. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Osili moved, seconded by Councillor Adamson, for adoption. Proposal No. 258, 2015 was adopted on the following roll call vote; viz:

24 YEAS: Adamson, Barth, Cain, Evans, Freeman, Gooden, Gray, Hickman, Holliday,  
Hunter, Lewis, Lutz, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili,  
Pfisterer, Robinson, Sandlin, Scales, Shreve

0 NAYS:

5 NOT VOTING: Clay, Jackson, Mansfield, Simpson, Tew

Proposal No. 258, 2015 was retitled GENERAL ORDINANCE NO. 83, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 83, 2015

PROPOSAL FOR A GENERAL ORDINANCE amending the Revised Code for Parking Meter Funds usage to align with state law.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 621-241 of the "Revised Code of the Consolidated City and County," is hereby amended by deleting the language that is stricken-through and adding the underlined language, to read as follows:



**Sec. 621-241. Meter receipts to be credited to parking meter fund; purpose.**

All amounts received by the city related to the operation of any parking meter, including the consideration, shall be deposited and kept in a special fund, known as the "parking meter fund," to be set up in a budget, approved by the city-county council, and shall be under the control, orders and directions of the board of public works. Disbursements from such fund shall be made only for the following purposes, unless otherwise authorized by any relevant statute or required by any contract:

- (1) For the payment of the cost of repairing and maintaining any of the public ways, curbs, and sidewalks where the parking meters are in use;
- (2) For the payment of the cost of traffic signal devices used in the city;
- (3) For the payment of the cost of acquiring, by lease or purchase, suitable land for offstreet parking facilities;
- (4) For payment of the cost of improving and maintaining land for parking purposes and purchasing, installing, and maintaining parking meters on that land; and
- (5) For any other uses that may be permitted under ~~Indiana law~~ IC 36-9-12-4.

Provided, however, no expenditures shall be for improvements that are not in a parking meter zone as established in section 621-201.

SECTION 2. This ordinance shall be in effect from and after its passage by the Council and compliance with IC 36-3-4-14.

PROPOSAL NO. 288, 2015. Councillor Adamson reported that the Public Works Committee heard Proposal No. 288, 2015 on October 27, November 19 and December 10, 2015. The proposal, sponsored by Councillor Hunter, approves the issuance of Indiana Storm Water Revenue Bonds and, if necessary, one or more series of bond anticipation notes, in an aggregate principal amount not to exceed \$50 million for various stormwater projects in Marion County. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Freeman said that a stormwater increase was passed last year that has had some serious repercussions on folks in his district, and he had to think long and hard about this proposal. He said that a church in his district has been seriously affected by stormwater issues. He said that he will oppose this proposal, and prays that those returning from this body will work with the new mayor and Council to find a fair way to assess stormwater fees on everyone. He said that the burden is now being put on large entities, and he feels that if they pass this proposal, the Council's leverage will be severely diminished in reaching a solution. He encouraged his colleagues to oppose the proposal.

Councillor Adamson urged his colleagues to support the proposal. He said that often there are properties under water during rain storms, and regardless if it is a church, a farm, or a business, all benefit. If the burden does not fall on property owners, then who should it fall on. He said that this has been neglected for 60 years and it needs to be addressed.

Councillor Hickman said that at-large Councillors get calls from all districts, and the bottom line is that down the line it will create more and bigger problems if this is ignored.

Councillor Hickman said that she supports the proposal, as many of her constituents are still on septic systems, and excessive flooding causes backup into their homes. She said that this will help with flooding and quality of life for her constituents. She added that often these floods are iced over in the winter, causing even more of a hazard.

Councillor Jackson asked that equity be provided all across the board for all areas of the city and not just in influential areas.

Councillor Freeman said that he does not disagree with Councillor Jackson, but the question is how they distribute across the board. Some citizens are paying \$20 and some churches are paying \$13,000. Right now, the way the cost is distributed is simply not fair.

Councillor Adamson moved, seconded by Councillor Hunter, for adoption. Proposal No. 288, 2015 was adopted on the following roll call vote; viz:

*24 YEAS: Adamson, Barth, Cain, Clay, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Mansfield, Mascari, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Scales, Shreve, Simpson, Tew*  
*5 NAYS: Evans, Freeman, Lutz, McHenry, Sandlin*

Proposal No. 288, 2015 was retitled GENERAL RESOLUTION NO. 30, 2015, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 30, 2015

A PROPOSAL FOR A GENERAL RESOLUTION approving the issuance of one or more series of City of Indianapolis, Indiana Storm Water Revenue Bonds and, if necessary, one or more series of bond anticipation notes or other notes in an aggregate principal amount not to exceed Fifty Million Dollars (\$50,000,000) and approving and authorizing other actions in respect thereto.

WHEREAS, the Board of Public Works ("Board") of the City of Indianapolis, Indiana ("City") being the governing body of the Storm Water District of the City ("Storm Water District"), has determined that it is necessary to issue revenue bonds ("Bonds") of the Storm Water District in one or more series, bond anticipation notes ("BANs") of the Storm Water District in one or more series, or other short-term notes ("Notes") of the Storm Water District to be issued in one or more series, in the aggregate principal amount not to exceed Fifty Million Dollars (\$50,000,000) for the purposes of procuring funds to apply to the costs of the projects specified in Exhibit A ("Projects"); and

WHEREAS, IC 36-3-5-8 requires the City-County Council to approve the issuance of bonds or notes by any special taxing district of the City; and

WHEREAS, IC 5-1-4 provides that a "qualified entity", which term includes the Storm Water District, may issue and sell its bonds or notes to The Indianapolis Local Public Improvement Bond Bank ("Bond Bank"); and

WHEREAS, the Executive Director of the Bond Bank has expressed a willingness to purchase the Bonds, BANs and/or Notes in a negotiated sale subject to approval by the Board of Directors of the Bond Bank; and

WHEREAS, the City-County Council has determined that the issuance of the Bonds, BANs and Notes by the Storm Water District should be approved; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council does hereby approve the issuance of the Bonds of the Storm Water District, to be issued in one or more series, BANs to be issued in one or more series, and Notes to be issued in one or more series, in an aggregate principal amount not to exceed Fifty Million Dollars (\$50,000,000) to apply on the costs of the Projects, and hereby approves the sale of the Bonds and the BANs to the Bond Bank and the Notes to the Bond Bank or other purchaser.

SECTION 2. This Resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 332, 2015. Councillor Robinson reported that the Metropolitan and Economic Development Committee heard Proposal No. 332, 2015 on November 16 and December 3, 2015.

The proposal, sponsored by Councillor Simpson, is an inducement resolution for Mapleton-Fall Creek Development Corporation and Black and White Investments, LLC for the issuance of economic development revenue bonds in an amount not to exceed \$12,000,000 to provide a portion of the cost for acquisition, construction and equipping of a new multi-housing facility consisting of 114 residential units located at 507 East 29th Street (Districts 9,15). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Robinson moved, seconded by Councillor Adamson, for adoption. Proposal No. 332, 2015 was adopted on the following roll call vote; viz:

*29 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty, Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson*  
*0 NAYS:*

Proposal No. 332, 2015 was retitled SPECIAL RESOLUTION NO. 64, 2015, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 64, 2015

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development revenue bonds.

WHEREAS, Indiana Code Title 36, Article 7, Chapters 11.9 and 12 (collectively, the “Act”) declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, pursuant to the Act, the City of Indianapolis, Indiana (the “City”), is authorized to issue revenue bonds for the purpose of financing, reimbursing or refinancing the costs of acquisition, construction, renovation, installation and equipping of economic development facilities in order to foster diversification of economic development, creation or retention of opportunities for gainful employment and affordable housing in or near the City; and

WHEREAS, Mapleton-Fall Creek Development Corporation and Black & White Investments, LLC, one or more subsidiaries or affiliates thereof, and/or one or more entities in which any of the foregoing entities is a member, whether such entity is currently in existence or is to be created following the date hereof (collectively, the “Company”), in cooperation with the City, desires to finance certain projects, additions or improvements within the City, including all or any portion of the acquisition, construction and equipping of a multifamily housing facility consisting of 114 apartment units, together with functionally related and subordinate facilities for low and moderate income individuals and families, to be located at 507 East 29<sup>th</sup> Street, in Indianapolis, Indiana (the “Project”) in Council Districts 9 and 15 of the City-County Council of the City of Indianapolis and of Marion County, Indiana (the “City-County Council”); and

WHEREAS, the Project is, or will be, located in or physically connected to an allocation area, known as the North Midtown Economic Development Area Allocation Area (the “Allocation Area”), previously created by the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City (the “Metropolitan Development Commission”); and

WHEREAS, the Company has advised the Indianapolis Economic Development Commission (the “Commission”) and the City concerning the Project, and has requested that the City issue, pursuant to the Act, one or more series of its taxable or tax-exempt City of Indianapolis, Indiana, revenue bonds (with such further or different series designation as may be necessary, desirable or appropriate, including such series designation to indicate the year in which the bonds are issued) (the “Bonds”) in the aggregate principal amount not to exceed Twelve Million Dollars (\$12,000,000), for the purpose of providing funds for paying all or part of the costs of the Project by making a portion of the proceeds of such Bonds available to the Company and paying all incidental expenses in connection with and on account of the issuance of the Bonds; and

WHEREAS, the Commission has studied the Project and the proposed financing of the Project and its effects on the health and general welfare of the City and its citizens; and

WHEREAS, the completion of the Project will result in the diversification of industry, the creation and retention of jobs, the creation and retention of business opportunities in the City, the creation of affordable housing in the City, and will be of public benefit to the health safety and general welfare of the City and its citizens; and

WHEREAS, pursuant to and in accordance with the Act, the City desires to provide funds necessary to finance all or a portion of the Project by issuing the Bonds; and

WHEREAS, the diversification of industry and increase in job opportunities (approximately 3 new full-time equivalent jobs) to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the City and its citizens; and

WHEREAS, it is tentatively found that the acquisition, construction and equipping of the Project will not have an adverse competitive effect on any similar facility already constructed or operating near or in Indianapolis, Indiana; and

WHEREAS, the Commission approved a report (the "EDC Report") and adopted an inducement resolution (the "EDC Inducement Resolution") which EDC Report and EDC Inducement Resolution have been forwarded by the Commission to this City-County Council making findings that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the City, and that the Project will not have an adverse competitive effect or impact on any similar facility already constructed or operating in the same market area or in or about Marion County, Indiana; and

WHEREAS, based upon the EDC Report and the EDC Inducement Resolution, this City-County Council hereby finds and determines that the funding preliminarily approved by the Economic Development Commission for all or a portion of the Project will be of benefit to the health and general welfare of the citizens of the City, complies with the provisions of the Act and the amount necessary to finance all or a portion of the costs of the Project, together with incidental expenses incurred in connection therewith, will require the issuance, sale and delivery of one or more series of economic development revenue bonds in an aggregate combined principal amount not to exceed Twelve Million Dollars (\$12,000,000); and

WHEREAS, this City-County Council desires to declare its intent to reimburse the costs of the Project pursuant to Treas. Reg. §1.150-2 and Indiana Code §5-1-14-6(c); now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. After considering the evidence presented and findings of fact set forth in the EDC Report, this City-County Council hereby finds, determines, ratifies and confirms that the financing of the economic development facilities consisting of the Project, the issuance and sale of the Bonds, and the use of the net proceeds thereof by the City and/or the Company to finance all or a portion of the Project will: (i) result in the diversification of industry, the creation or retention of business opportunities, the creation or retention of opportunities for gainful employment and the creation of affordable housing within the jurisdiction of the City; (ii) serve a public purpose, and will be of benefit to the health and general welfare of the City; (iii) comply with the purposes and provisions of the Act and it is in the public interest that the City take such lawful action as determined to be necessary or desirable to encourage the diversification of industry, the creation or retention of business opportunities, the creation or retention of opportunities for gainful employment and the creation of affordable housing within the jurisdiction of the City; and (iv) not have a material adverse competitive effect on any similar facilities already constructed or operating in or near Marion County, Indiana. The findings of fact set forth in the EDC Report and this paragraph are based upon evidence and testimony presented to the Commission at its meeting on October 21, 2015 that the proceeds of the Bonds will be used for the Project and costs of issuance for the Bonds.

SECTION 2. This City-County Council hereby finds and determines that the issuance and sale of economic development revenue bonds in an amount not to exceed \$12,000,000 of the City under the Act for the lending of the proceeds of the revenue bonds to the Company for the purpose of financing a portion of the cost of the acquisition, construction and equipping of the Project will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Company to proceed with the acquisition, construction and equipping of the Project, this City-County Council hereby finds and determines that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that (a) all of the foregoing shall be mutually acceptable to the City and the Company and (b) subject to the further caveat that this inducement resolution expires on August 31, 2016, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by this City-County Council of the City prior to the aforesaid date or unless, upon a showing of good cause by the Applicant or the Company, the City,

by official action, extends the term of the inducement resolution; and (ii) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds provided that at the time of the proposed issuance of such bonds the inducement resolution is still in effect; and (iii) it will use its best efforts to assist the Company in procuring the issuance of additional economic development revenue bonds, if such additional bonds become necessary for refunding or refinancing the outstanding principal amount of the economic development revenue bonds, for completion of the Project and for additions to the Project, including the costs of issuing additional bonds (provided that the financing of such addition or additions to the Project is found to have a public purpose (as defined in the Act) at the time of the authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the date permitted by applicable federal tax and state laws, including reimbursement or repayment to the Company of moneys expended by the Company for application fees, planning, engineering, a portion of the interest paid during acquisition, construction and equipping, underwriting expenses, attorney and bond counsel fees, and acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance the Project, and the City will lend the proceeds from the sale of the bonds to the Company for the same purposes. Also, certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project. This resolution shall constitute "official action" for purposes of compliance pursuant to Treas. Reg. §1.150-2 and IC 5-1-14-6(c) requiring governmental action as authorization for future reimbursement from the proceeds of bonds.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Mansfield stated that the Administration and Finance Committee heard Proposal Nos. 337 and 390, 2015 on December 8, 2015. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 337, 2015. The proposal, sponsored by Councillor Moriarty Adams, approves the lease of City-owned property at 222 East Market Street to the Indianapolis City Market Corporation. PROPOSAL NO. 390, 2015. The proposal, sponsored by Councillor Moriarty Adams, determines the need to lease approximately 761 square feet of space at 251 E. Ohio Street, Suite B-31, for use by the Marion County Prosecutor. By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Mansfield moved, seconded by Councillor Hickman, for adoption. Proposal Nos. 337 and 390, 2015 were adopted on the following roll call vote; viz:

*27 YEAS: Adamson, Barth, Cain, Clay, Evans, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew*  
*0 NAYS:*  
*2 NOT VOTING: Freeman, Mascari*

Proposal No. 337, 2015 was retitled SPECIAL RESOLUTION NO. 65, 2015, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 65, 2015

A PROPOSAL FOR A SPECIAL RESOLUTION to approve the lease of the City-owned property located at 222 East Market Street, Indianapolis, Indiana 46204 ("City Market") to the Indianapolis City Market Corporation.

WHEREAS, pursuant to Section 285-203 of the Revised Code of the Consolidated City and County ("Revised Code"), the Consolidated City of Indianapolis and Marion County ("City") must lease the City Market to the Indianapolis City Market Corporation and the terms and conditions of such lease must be approved by the City-County Council of Indianapolis and Marion County, Indiana ("Council");

WHEREAS, the City and the Indianapolis City Market Corporation have negotiated the terms and conditions for the lease of the City Market; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Council, pursuant to Section 285-203 of the Revised Code, approves the lease between the City and the Indianapolis City Market Corporation, and attached to this resolution as EXHIBIT A.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Proposal No. 390, 2015 was retitled GENERAL RESOLUTION NO. 31, 2015, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 31, 2015

PROPOSAL FOR A GENERAL RESOLUTION determining the need to lease approximately seven hundred and sixty one (761) square feet of space located at 251 E. Ohio Street, Indianapolis, Indiana 46204 for use by the Marion County Prosecutor.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council, pursuant to Indiana Code § 36-1-10-7, has investigated the conditions requiring the subject lease and hereby determines that the lease of approximately seven hundred and sixty one (761) square feet of space for use by the Marion County Prosecutor, on behalf of Marion County, is needed.

SECTION 2. The property to be leased is located at Suite B-31, 251 E. Ohio Street, Indianapolis, Indiana 46204 and is owned by HSBC Bank USA, National Association, as trustee for Morgan Stanley Capital I Inc., Commercial Mortgage Pass-Through Certificates, Series 2006-HQ9.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with I.C. § 36-3-4-14.

PROPOSAL NO. 391, 2015. Councillor Mansfield reported that the Administration and Finance Committee heard Proposal No. 391, 2015 on December 8, 2015. The proposal, sponsored by Councillor Moriarty Adams, determines the need to lease approximately 1,221 square feet of space at 251 E. Ohio Street, Suite B-29, for use by the Marion County Prosecutor. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Moriarty Adams made the following motion:

Madam Chair:

I move to amend Sections 1 and 2 of Proposal No. 391, 2015, by deleting the language that is stricken-through and adding the language that is underlined, in the highlighted portions, to read as follows:

SECTION 1. The City-County Council, pursuant to Indiana Code § 36-1-10-7, has investigated the conditions requiring the subject lease and hereby determines that the lease of approximately ~~one thousand two hundred and twenty one (1,221)~~ two thousand one hundred and twenty-five (2,125) square feet of space for use by the Marion County Prosecutor, on behalf of Marion County, is needed.

SECTION 2. The property to be leased is located at Suite B-29 and B-27, 251 E. Ohio Street, Indianapolis, Indiana 46204 and is owned by HSBC Bank USA, National Association, as trustee for Morgan Stanley Capital I Inc., Commercial Mortgage Pass-Through Certificates, Series 2006-HQ9.

Councillor Hickman seconded the motion.

Councillor Lutz asked what happened between the committee meeting and this evening's meeting that caused the space to double. Mr. Biesecker said that he is not sure, but he got an e-mail from the director of real estate on December 10, 2015 stated that they wanted to include an additional suite.

The motion to amend carried on the following roll call vote; viz:

*28 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew*  
*0 NAYS:*  
*1 NOT VOTING: Mascari*

Councillor Mansfield moved, seconded by Councillor Simpson, for adoption. Proposal No. 391, 2015, as amended, was adopted on the following roll call vote; viz:

*28 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew*  
*0 NAYS:*  
*1 NOT VOTING: Mascari*

Proposal No. 391, 2015, as amended, was retitled GENERAL RESOLUTION NO. 32, 2015, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 32, 2015

PROPOSAL FOR A GENERAL RESOLUTION determining the need to lease approximately one thousand, two hundred and twenty one (1,221) square feet of space located at 251 E. Ohio Street, Indianapolis, Indiana 46204 for use by the Marion County Prosecutor.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council, pursuant to Indiana Code § 36-1-10-7, has investigated the conditions requiring the subject lease and hereby determines that the lease of approximately two thousand one hundred and twenty-five (2,125) square feet of space for use by the Marion County Prosecutor, on behalf of Marion County, is needed.

SECTION 2. The property to be leased is located at Suite B-29 and B-27, 251 E. Ohio Street, Indianapolis, Indiana 46204 and is owned by HSBC Bank USA, National Association, as trustee for Morgan Stanley Capital I Inc., Commercial Mortgage Pass-Through Certificates, Series 2006-HQ9.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with I.C. § 36-3-4-14.

Councillor Mansfield reported that the Administration and Finance Committee heard Proposal Nos. 392-394, 2015 on December 8, 2015. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 392, 2015. The proposal, sponsored by Councillor Moriarty Adams, determines the need to lease approximately 36,377 square feet of space at 1330 Madison Avenue for use by the Marion County Clerk. PROPOSAL NO. 393, 2015. The proposal, sponsored by Councillor Hickman, determines the need to lease approximately 3,590 square feet of space at Building 116, 7108-7176 Waldemar Drive for use by the Marion County Assessor. PROPOSAL NO. 394, 2015. The proposal, sponsored by Councillor Pfisterer, amends the Code regarding surety bonds for city and county officials. By 5-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor Lutz asked if all the records in the basement will move to the Madison Avenue location. Councillor Mansfield responded in the affirmative.

Councillor Shreve asked who the landlord is on this building. Russell Collins, Deputy Clerk, stated that the landlord is Koepetsky, LLC.

Councillor Mansfield moved, seconded by Councillor Pfisterer, for adoption. Proposal No. 392, 2015 was adopted on the following roll call vote; viz:

*29 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson*  
*0 NAYS:*

Proposal No. 392, 2015 was retitled GENERAL RESOLUTION NO. 33, 2015, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 33, 2015

PROPOSAL FOR A GENERAL RESOLUTION determining the need to lease approximately thirty six thousand, three hundred seventy seven (36,377) square feet of space located at 1330 Madison Ave., Indianapolis, Indiana 46225 for use by the Marion County Clerk.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council, pursuant to Indiana Code § 36-1-10-7, has investigated the conditions requiring the subject lease and hereby determines that the lease of approximately thirty six thousand, three hundred seventy seven (36,377) square feet of space for use by the Marion County Clerk, on behalf of Marion County, is needed.

SECTION 2. The property to be leased is located at 1330 Madison Ave., Indianapolis, Indiana 46225 and is owned by Linda Kopetsky, LLC.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with I.C. § 36-3-4-14.

Proposal No. 393, 2015 was retitled GENERAL RESOLUTION NO. 34, 2015, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 34, 2015

PROPOSAL FOR A GENERAL RESOLUTION determining the need to lease approximately three thousand, five hundred and ninety (3,590) square feet of space located at Building 116, 7108 – 7176 Waldemar Drive, Indianapolis, Indiana 46268 for use by the Marion County Assessor.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:



SECTION 1. The City-County Council, pursuant to Indiana Code § 36-1-10-7, has investigated the conditions requiring the subject lease and hereby determines that the lease of approximately three thousand, five hundred and ninety (3,590) square feet of space for use by the Marion County Assessor, on behalf of Marion County, is needed.

SECTION 2. The property to be leased is located at Building 116, 7108 – 7176 Waldemar Drive, Indianapolis, Indiana 46268 and is owned by Exeter 7108 Waldemar, LLC.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with I.C. § 36-3-4-14.

Proposal No. 394, 2015 was retitled GENERAL ORDINANCE NO. 84, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 84, 2015

A PROPOSAL FOR A GENERAL ORDINANCE amending Chapter 292 of the Code regarding surety bonds for city and county officials.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 292-3 of the "Revised Code of the Consolidated City and County," regarding surety bonds for city and county officials, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored:

Sec. 292-3. Surety bonds for city and county officials.

(a) It is hereby declared to be the purpose of this section to fix the amounts of individual surety bonds and authorize a blanket bond for city and county officials.

(b) Pursuant to IC 5-4-1-18(c), the City-County Council of Indianapolis and Marion County fixes the amount of surety bonds for city and county officials as follows:

Official	Bond Amount
County coroner	\$ 15,000.00
Supervisor Barrett law	60,000.00
City controller	300,000.00
County treasurer	300,000.00
County treasurer (ex officio city treasurer)	300,000.00
County surveyor	15,000.00
County assessor	15,000.00
County auditor	300,000.00
County clerk	300,000.00
County recorder	60,000.00
County sheriff	90,000.00
County prosecutor	15,000.00

(c) Pursuant to IC 5-4-1-18(b), the city-county council authorizes the purchase of blanket bonds ~~to cover the faithful performance of city and county officials not covered by individual bonds. that:~~

(1) are endorsed to include faithful performance to cover the faithful performance of; and

(2) include aggregate coverage sufficient to provide coverage amounts specified for;

all employees and persons acting on behalf of the Consolidated City of Indianapolis and Marion County.

~~The amount of these blanket bonds shall be left to the discretion of the director of the corporation counsel.~~

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 395, 2015. Councillor Robinson reported that the Metropolitan and Economic Development Committee heard Proposal No. 395, 2015 on December 3, 2015. The proposal, sponsored by Councillors Osili, Adamson and Miller, approves the amounts, locations and programmatic operation of certain projects to be funded from Community Development Grant Funds. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Robinson moved, seconded by Councillor Adamson, for adoption. Proposal No. 395, 2015 was adopted on the following roll call vote; viz:

29 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty, Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson  
0 NAYS:

Proposal No. 395, 2015 was retitled SPECIAL RESOLUTION NO. 66, 2015, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 66, 2015

PROPOSAL FOR A SPECIAL RESOLUTION approving the amounts, locations, and programmatic operation of certain projects to be funded from Community Development Grant Funds.

WHEREAS, the City-County Council, the Consolidated City of Indianapolis, Marion County, Indiana ("Council"), passed City-County Fiscal Ordinance No. 36, 2015, the 2016 Annual Budget of the Consolidated City of Indianapolis and for Marion County, Indiana ("Budget Ordinance"); and

WHEREAS, Section 4.01 (b) of the Budget Ordinance, as approved by the Council, reads as follows:

Community Development Grant Funds. Until this Council has approved the amounts, locations and programmatic operation of each project to be funded from Community Development Grant Funds, the amounts appropriated herein for such purposes shall not be encumbered or spent.

WHEREAS, the Department of Metropolitan Development of the City of Indianapolis, Indiana ("Department of Metropolitan Development") has presented the 2016 Consolidated Annual Action Plan, a document submitted to the United States Department of Housing and Urban Development ("HUD"), which sets forth the City's goals and intentions for using federal dollars in fiscal year 2016 to the Council; and

WHEREAS, the 2016 Consolidated Annual Action Plan identifies the amounts, locations, and programmatic operation of each project that will be funded by Community Development Grant Funds, which are summarized in the Summary of 2016 Proposed Activities, attached hereto as Attachment A and incorporated herein by reference; and

WHEREAS, Council now finds that the amounts, locations, and programmatic operations of each project listed in the 2016 Consolidated Annual Action Plan, including insubstantial amendments thereto should be approved; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the amounts, locations, and programmatic operations of each of the projects included in the 2016 Consolidated Annual Action Plan, which are summarized in the Summary of 2016 Proposed Activities, attached hereto as Attachment A and incorporated herein by reference, are approved.

SECTION 2. This approval shall constitute the approval required under Section 4.01(b) of the Budget Ordinance and shall include and allow insubstantial amendments to the approved projects.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with Indiana Code section 36-3-4-14.

Councillor Adamson reported that the Public Works Committee heard Proposal Nos. 398-410, 2015 on December 10, 2015. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 398, 2015. The proposal, sponsored by Councillor Gooden, authorizes parking restrictions on the north side of 66th Street, from Ferguson Street to Cornell Avenue (District 3). PROPOSAL NO. 399, 2015. The proposal, sponsored by, Councillors Mascari, Adamson, Miller and Shreve, authorizes parking restrictions along Shelby Street for the Red Line Bus Rapid Transit project (Districts 16, 19, 20, 23). PROPOSAL NO. 400, 2015. The proposal, sponsored by Councillor Scales, authorizes intersection controls at Steinmeier Drive and 72nd Place (District 4). PROPOSAL NO. 401, 2015. The proposal, sponsored by Councillor Sandlin, authorizes intersection controls in the Coventry Park subdivision (District 24). PROPOSAL NO. 402, 2015. The proposal, sponsored by Councillor Holliday, authorizes intersection controls in the Harvard Green at Camby Village subdivision (District 22). PROPOSAL NO. 403, 2015. The proposal, sponsored by Councillor Holliday, authorizes intersection controls on Coles Creek Lane and Wichita Hill Drive in the Wichita Hills at Southern Dunes subdivision (District 22). PROPOSAL NO. 404, 2015. The proposal, sponsored by Councillor Holliday, authorizes intersection controls in The Groves at Camby Village subdivision (District 22). PROPOSAL NO. 405, 2015. The proposal, sponsored by Councillor Holliday, authorizes intersection controls in the Arrowhead at Southern Dunes subdivision (District 22). PROPOSAL NO. 406, 2015. The proposal, sponsored by Councillor Holliday, authorizes intersection controls in the Hudson Bay at Southern Dunes subdivision (District 22). PROPOSAL NO. 407, 2015. The proposal, sponsored by Councillor Shreve, authorizes intersection controls in the Orchard Park subdivision (District 23). PROPOSAL NO. 408, 2015. The proposal, sponsored by Councillor Freeman, authorizes intersection controls at Victory Drive and Victory Lane (District 25). PROPOSAL NO. 409, 2015. The proposal, sponsored by Councillor Freeman, authorizes intersection controls in the Stonebriar subdivision (District 25). PROPOSAL NO. 410, 2015. The proposal, sponsored by Councillor Freeman, authorizes intersection controls in the Churchman Manor subdivision (District 25). By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor McQuillen asked why there are so many of these intersection controls at once. Jason Dudich, Chief of Staff, stated that they are a collaboration of needs assessed through Councillor requests and administration studies. Councillor Hickman asked if this is a new policy or if they are issues that need to be fixed. Mr. Dudich said that they are most probably matters of public safety. Councillor Lutz thanked Mr. Dudich for his service as both former Controller and Chief of Staff.

Councillor Adamson moved, seconded by Councillor Holliday, for adoption. Proposal Nos. 398-410, 2015 were adopted on the following roll call vote; viz:

*28 YEAS: Adamson, Barth, Cain, Clay, Evans, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew*  
*1 NAY: Freeman*

Proposal No. 398, 2015 was retitled GENERAL ORDINANCE NO. 85, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 85, 2015

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 621, Parking, Standing and Stopping Restricted.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be, and the same is hereby amended by the deletion of the following, to wit:

*Sixty-sixth Street*, on the north side, from College Avenue to Cornell Avenue;

SECTION 2. That the Revised Code of the Consolidated City and County Indianapolis/Marion County, Indiana, specifically Sec. 621-121(b), Parking prohibited at all times on certain streets, be, and the same is hereby amended by the addition of the following, to wit:

*Sixty-sixth Street*, on the north side, from Ferguson Street to Cornell Avenue;

SECTION 3. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Proposal No. 399, 2015 was retitled GENERAL ORDINANCE NO. 86, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 86, 2015

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 621, Parking, standing and stopping restricted.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 621-124, Parking prohibited during specified hours on certain days, be, and the same is hereby amended by the deletion of the following, to wit:

December 14, 2015

**ON ANY DAY EXCEPT SUNDAY AND HOLIDAYS**

*From 7:00 a.m. to 6:00 p.m.*

*Shelby Street*, on the west side, from Prospect Street to Morris Street;

SECTION 2. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours, be, and the same is hereby amended by the deletion of the following, to wit:

**ON ANY DAY EXCEPT SATURDAY AND SUNDAY**

*From 6:00 a.m. to 9:00 a.m.*

*Shelby Street*, on the east side, from Troy Avenue to Kelly Street;

*Shelby Street*, on the east side, from Troy Avenue to Sanders Street;

*Shelby Street*, on the east side, from Raymond Street to Sanders Street;

*From 3:00 p.m. to 6:00 p.m.*

*Shelby Street*, on the west side, from Troy Avenue to Sanders Street;

SECTION 3. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 621-126, Parking time restricted on designated days, be, and the same is hereby amended by the deletion of the following, to wit:

**NINETY MINUTES ON ANY DAY EXCEPT SUNDAY**

*From 7:00 a.m. to 6:00 p.m.*

*Shelby Street*, on both sides, from the Baltimore and Ohio Railroad to Maryland Street;

*Shelby Street*, on both sides, from Woodlawn Avenue to Prospect Street;

*Shelby Street*, on the west side, from Prospect Street to Morris Street;

**TWO HOURS ON ANY DAY EXCEPT SATURDAYS OR SUNDAYS**

*Shelby Street*, on the east side, from Prospect Street to Woodlawn Avenue;

*Shelby Street*, on the east side, from a point 75 feet south of the first alley south of Prospect Street to Orange Street;

*Shelby Street*, on the west side, from Morris Street to Orange Street;

*Shelby Street*, on the west side, from Woodlawn Avenue to Fountain Square;

SECTION 4. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically 621-121, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the deletion of the following, to wit:

*Shelby Street*, on both sides, from Madison Avenue to Troy Avenue;

*Shelby Street*, on both sides, from Morris Street to Sanders Street;

*Shelby Street*, on the east side, from a point 125 feet north of the north curb line of Bradbury Avenue to a point 100 feet south of the south curb line of Bradbury Avenue;

*Shelby Street*, on the east side, from Castle Avenue to a point 110 feet north of Castle Avenue;

*Shelby Street*, on the east side, from Hoyt Avenue to Spann Avenue;

*Shelby Street*, on the east side, from Prospect Street to a point 75 feet south of the first alley south of Prospect Street;

*Shelby Street*, on the east side, from a point 100 feet south of Naomi Street, to a point 100 feet north of Naomi Street;

*Shelby Street*, on the west side, from the north curb line of Prospect Street to the south curb line of Georgia Street;

*Shelby Street*, on the west side, from Prospect Street to Morris Street;

*Shelby Street*, on the west side, from Southern Avenue to 150 feet north of Southern Avenue;

SECTION 5. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be, and the same is hereby amended by the deletion of the following, to wit:

*Shelby Street*, on the east side, from Raymond Street to Tabor Street;

*Shelby Street*, on the west side, from Cameron Avenue to McDougal Street;

SECTION 6. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically 621-122, Stopping, standing or parking prohibited at all times on certain designated streets, be, and the same is hereby amended by the addition of the following, to wit:

*Shelby Street*, on the east side, from Hoyt Avenue to Spann Avenue;

*Shelby Street*, on the west side, from Legrande Avenue (east approach) to 175 feet south of Raymond Street;

*Shelby Street*, on the west side, from Prospect Street to Beecher Street;

*Shelby Street*, on the west side, from Albany Street to Troy Avenue;

*Shelby Street*, on the east side, from Kelly Street to Legrande Avenue;

*Shelby Street*, on the east side, from Calhoun Street to 420 feet south of Orange Street;

*Shelby Street*, on both sides, from Southeastern Avenue to Daly Street;

SECTION 7. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 8. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 9. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Proposal No. 400, 2015 was retitled GENERAL ORDINANCE NO. 87, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 87, 2015

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 441, Traffic.

December 14, 2015

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-416, Schedule of intersection controls, be, and the same is hereby amended by the deletion of the following, to wit:

<u>Base Map</u>	<u>Intersection</u>	<u>Preferential</u>	<u>Type of Control</u>
12	Steinmeier Drive Seventy second Place	Steinmeier Drive	Stop

SECTION 2. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-416, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>Base Map</u>	<u>Intersection</u>	<u>Preferential</u>	<u>Type of Control</u>
12	Steinmeier Drive Seventy second Place	None	All Way

SECTION 3. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Proposal No. 401, 2015 was retitled GENERAL ORDINANCE NO. 88, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 88, 2015

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 441, Traffic.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-416, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>Base Map</u>	<u>Intersection</u>	<u>Preferential</u>	<u>Type of Control</u>
40	Emerson Avenue Coventry Park Boulevard	Emerson Avenue	Stop
40	Coventry Park Boulevard Coventry Park Circle	Coventry Park Boulevard	Stop
40	Coventry Park Boulevard Coventry Park Way	Coventry Park Boulevard	Stop
40	Coventry Park Boulevard Blairwood Drive	Coventry Park Boulevard	Stop

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Proposal No. 402, 2015 was retitled GENERAL ORDINANCE NO. 89, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 89, 2015

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 441, Traffic.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-416, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>Base Map</u>	<u>Intersection</u>	<u>Preferential</u>	<u>Type of Control</u>
43	Adlington Court Camby Village Boulevard Puckett Lane	Camby Village Boulevard Puckett Lane	Stop

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Proposal No. 403, 2015 was retitled GENERAL ORDINANCE NO. 90, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 90, 2015

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 441, Traffic.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-416, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:



<u>Base Map</u>	<u>Intersection</u>	<u>Preferential</u>	<u>Type of Control</u>
45	Coles Creek Lane Wichita Hill Drive	Wichita Hill Drive	Stop
45	Coles Creek Lane Painted Pony Drive	Painted Pony Drive	Stop
45	Painted Pony Drive Wichita Hill Drive	Wichita Hill Drive	Stop
45	Wichita Hill Drive Tibbs Avenue	Tibbs Avenue	Stop

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Proposal No. 404, 2015 was retitled GENERAL ORDINANCE NO. 91, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 91, 2015

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 441, Traffic.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-416, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>Base Map</u>	<u>Intersection</u>	<u>Preferential</u>	<u>Type of Control</u>
43	Bolero Way Belmac Lane	Belmac Lane	Stop
43	Belmac Lane Sansa Street	Sansa Street	Stop
43	Sansa Street Trotter Road	Trotter Road	Stop

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Proposal No. 405, 2015 was retitled GENERAL ORDINANCE NO. 92, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 92, 2015

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 441, Traffic.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-416, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>Base Map</u>	<u>Intersection</u>	<u>Preferential</u>	<u>Type of Control</u>
45	Apalachee Drive Torchlight Circle	Apalachee Drive	Stop
45	Apalachee Drive Amandalyn Drive	Amandalyn Drive	Stop
45	Amandalyn Drive Tibbs Avenue	Tibbs Avenue	Stop

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Proposal No. 406, 2015 was retitled GENERAL ORDINANCE NO. 93, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 93, 2015

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 441, Traffic.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-416, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>Base Map</u>	<u>Intersection</u>	<u>Preferential</u>	<u>Type of Control</u>
45	Newaygo Drive Mikayla Court	Newaygo Drive	Stop

45	Newaygo Drive Pennover Court	Newaygo Drive	Stop
45	Newaygo Drive Sergi Canyon Drive	Sergi Canyon Drive	Stop
45	Firewalker Lane (north leg) Sergi Canyon Drive	Sergi Canyon Drive	Stop
45	Firewalker Lane (south leg) Sergi Canyon Drive	Sergi Canyon Drive	Stop
45	Sergi Canyon Court Sergi Canyon Drive	Sergi Canyon Drive	Stop

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Proposal No. 407, 2015 was retitled GENERAL ORDINANCE NO. 94, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 94, 2015

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 441, Traffic.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-416, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<b><u>Base Map</u></b>	<b><u>Intersection</u></b>	<b><u>Preferential</u></b>	<b><u>Type of Control</u></b>
38	Appleseed Drive Adrian Orchard Drive	Appleseed Drive	Stop
38	Adrian Orchard Drive Harvest Spring Lane	Adrian Orchard Drive	Stop
38	Harvest Spring Lane Appleseed Way	Appleseed Way	Stop

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Proposal No. 408, 2015 was retitled GENERAL ORDINANCE NO. 95, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 95, 2015

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 441, Traffic.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-416, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>Base Map</u>	<u>Intersection</u>	<u>Preferential</u>	<u>Type of Control</u>
40	Victory Drive Victory Lane	Victory Drive	Stop

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Proposal No. 409, 2015 was retitled GENERAL ORDINANCE NO. 96, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 96, 2015

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 441, Traffic.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-416, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>Base Map</u>	<u>Intersection</u>	<u>Preferential</u>	<u>Type of Control</u>
48	Capstone Lane Centerstone Court Centerstone Drive	None	All Way

48	Centerstone Court Centerstone Way	None	All Way
48	Stonebriar Place Stonebriar Way	None	All Way
48	Stonebriar Place Knapp Road	Knapp Road	Stop

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Proposal No. 410, 2015 was retitled GENERAL ORDINANCE NO. 97, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 97, 2015

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make various changes to Chapter 441, Traffic.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-416, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<b><u>Base Map</u></b>	<b><u>Intersection</u></b>	<b><u>Preferential</u></b>	<b><u>Type of Control</u></b>
40	Angelica Drive (4522 S) Plowman Drive (4500 E)	Angelica Drive	Stop
40	Angelica Drive (4700 S) Plowman Drive (4700 E)	Angelica Drive	Stop
41	Churchman Avenue Churchman Manor Boulevard	Churchman Avenue	Stop
41	Churchman Manor Boulevard Plowman Drive	Plowman Drive	Stop
41	Brumley Lane Plowman Drive	Plowman Drive	Stop
41	Brumley Lane Deacon Lane	Deacon Lane	Stop
41	Deacon Lane Spring Flower Drive	Deacon Lane	Stop

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 412, 2015. Councillor Osili reported that the Rules and Public Policy Committee heard Proposal No. 412, 2015 on December 1, 2015. The proposal, sponsored by Councillor Lewis, amends the Council Rules to reflect the reduction in the number of councillors from 29 to 25 and makes other technical corrections. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Moriarty Adams made the following motion:

Madam Chair:

I move to amend Proposal No. 412, 2015, by adding a new SECTION 2 to read as follows, and renumbering SECTIONS 2-6 as SECTIONS 3-7:

SECTION 2. Section 151-74 of the "Revised Code of the Consolidated City and County," regarding introduction of proposals, is hereby amended by deleting the stricken-through text and adding the language that is underlined, to read as follows:

Sec. 151-74. Introduction of proposals.

Proposals shall be introduced and presented to the city-county council only in the following manner: Under the proper item of business, the clerk shall read the proposal, stating only the number, reciting the title and stating the name of the person initiating the proposal. After each proposal is introduced, the president shall state the committee to which the proposal is referred or, if the proposal has been previously referred to a committee, the committee to which the referral was made. If, by law, a public hearing before the entire council is required, the public hearing shall be at the next regular meeting unless the president shall state another date for the public hearing.

If the proposal is to change the zone maps incorporated by reference into the zoning ordinance under IC 36-7-4-608, and the metropolitan development commission has certified the proposal to the clerk under IC 36-7-4-605(c), the councillor in whose district the parcel of real property under consideration is located, ~~or an at-large councillor,~~ may move that the proposal be set for public hearing before the entire city-county council. If no such motion is made, or if the motion is not adopted by a majority vote of the council, then the decision of the metropolitan development commission shall be deemed affirmed.

Councillor Adamson seconded the motion, and Proposal No. 412, 2015 was amended on the following roll call vote; viz:

28 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew  
1 NAY: Hickman

Councillor Osili moved, seconded by Councillor McQuillen, for adoption, as amended. Proposal No. 412, 2015, as amended, was adopted on the following roll call vote; viz:

26 YEAS: Adamson, Cain, Clay, Evans, Freeman, Gooden, Gray, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson  
3 NAYS: Barth, Hickman, Tew  
0 NOT VOTING:  
0 ABSENT:

Proposal No. 412, 2015, as amended, was retitled GENERAL ORDINANCE NO. 98, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 98, 2015

PROPOSAL FOR A GENERAL ORDINANCE amending the Council Rules to reflect the reduction in the number of councillors from twenty-nine (29) to twenty-five (25), and making other technical corrections.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 151-2 of the "Revised Code of the Consolidated City and County," regarding membership of councils, is hereby amended by deleting the stricken-through text and adding the language that is underlined, to read as follows:

Sec. 151-2. Membership of councils.

The city-county council and each special service district council shall consist of ~~twenty-nine (29)~~ twenty-five (25) members elected as provided by statute. The preferred form of address for members of the council shall be councillor.

SECTION 2. Section 151-74 of the "Revised Code of the Consolidated City and County," regarding introduction of proposals, is hereby amended by deleting the stricken-through text and adding the language that is underlined, to read as follows:

Sec. 151-74. Introduction of proposals.

Proposals shall be introduced and presented to the city-county council only in the following manner: Under the proper item of business, the clerk shall read the proposal, stating only the number, reciting the title and stating the name of the person initiating the proposal. After each proposal is introduced, the president shall state the committee to which the proposal is referred or, if the proposal has been previously referred to a committee, the committee to which the referral was made. If, by law, a public hearing before the entire council is required, the public hearing shall be at the next regular meeting unless the president shall state another date for the public hearing.

If the proposal is to change the zone maps incorporated by reference into the zoning ordinance under IC 36-7-4-608, and the metropolitan development commission has certified the proposal to the clerk under IC 36-7-4-605(c), the councillor in whose district the parcel of real property under consideration is located, ~~or an at-large councillor,~~ may move that the proposal be set for public hearing before the entire city-county council. If no such motion is made, or if the motion is not adopted by a majority vote of the council, then the decision of the metropolitan development commission shall be deemed affirmed.

SECTION 3. Section 151-75 of the "Revised Code of the Consolidated City and County," regarding consideration for final adoption, is hereby amended by deleting the stricken-through text and adding the language that is underlined, to read as follows:

Sec. 151-75. Consideration for final adoption.

No proposal for an ordinance or general resolution shall be considered for final adoption except when placed upon the agenda as a special order. Any proposal reported by a committee shall be placed on the agenda under the proper category of special orders. Under the order of business "adoption of agenda," it shall be in order to move to advance any proposal then introduced to "special order: final adoption of proposals." If the motion is to advance a proposal first introduced at the same meeting, the motion shall be carried only if ~~eighteen (18)~~ fifteen (15) members of the council

vote in the affirmative and the proposal has been distributed in advance of the meeting. No proposal for an ordinance shall be adopted at the same meeting or on the same day of introduction, unless:

- (1) By unanimous consent of the council members present the matter is considered and at least two-thirds of all members are present and vote for its adoption;
- (2) The ordinance was initiated by a director, board or commission and does not provide for an appropriation or tax levy or the incurring of general obligation indebtedness; or
- (3) The ordinance is for the reappropriation or transfer of funds previously appropriated by the annual budget ordinances.

SECTION 4. Section 151-79 of the "Revised Code of the Consolidated City and County," regarding special procedures for rezoning ordinances, is hereby amended by deleting the stricken-through text and adding the language that is underlined, to read as follows:

Sec. 151-79. Special procedures for rezoning ordinances.

(a) Application. Proposals for changing the zone maps incorporated by reference into the Marion County zoning ordinance may be amended or rejected only after the council holds a public hearing pursuant to IC 36-7-4-608. Whenever pursuant to IC 36-7-4-608 the council schedules such a public hearing, the rules set forth in this section shall apply.

(b) Prehearing procedures. After such public hearing is scheduled by vote of the council, a preliminary investigation shall proceed as follows:

- (1) The general counsel shall notify the administrator of the division of development services within two (2) days after a rezoning hearing is scheduled, and the administrator shall distribute in writing to all councilmembers and the general counsel the staff comments and any other information deemed by him relevant to the matter to be heard. Such materials shall be mailed or delivered at least seven (7) days prior to the hearing date.
- (2) Any interested party may distribute any relevant written materials to councilmembers, provided all such information is distributed to all councilmembers. Such materials will be distributed to councilmembers by the clerk's staff if thirty-five (35) copies are delivered at the staff conference provided in paragraph (3) of this subsection.
- (3) The general counsel shall conduct a preliminary staff conference on all rezoning petitions on the Wednesday immediately preceding the scheduled hearing beginning at 2:00 p.m. in the clerk's offices, unless the petitioners and remonstrators agree to a different time. The petitioners and any remonstrators each shall be represented at such conference by not more than two (2) persons for each side, one (1) of whom may be their attorney.
- (4) The purpose of the staff conference shall be to ensure agreement as to the procedures for the public hearing, to promote agreement on order of presentation, to list witnesses and exhibits, to narrow issues to be heard, and to consider compromises, which can be implemented by modifications of petitioners' commitments.
- (5) If the petitioners and remonstrators compromise their differences and advise the general counsel of such settlement prior to release of the preliminary agenda for the meeting at which such public hearing has been scheduled, the preliminary agenda shall indicate that a proposed settlement has been reached.

(c) Action on prehearing settlements. If the petitioners and remonstrators negotiate a compromise which can be implemented by petitioners' modification of commitments and such settlement is acceptable to the councillor who requested the public hearing, the petitioners shall file executed copies of the revised or additional commitments with the metropolitan development commission and the clerk of the council. If such commitments are filed prior to the commencement of the public hearing, it shall be in order to move for a vote on the rezoning proposal subject to the modified commitments without full public hearing. If such motion is made, any person still desiring to be heard shall have two (2) minutes each to explain why a full public hearing should still be held by the council. If that motion fails, the council shall proceed with the public hearing under this section, but if that motion is carried, the vote shall immediately be taken on the rezoning proposal subject to the modifications of commitments filed by petitioners.



(d) Order of public hearings:

- (1) Councillor requesting hearing (two (2) minutes);
- (2) Petitioners' presentation (twenty (20) minutes or less);
- (3) Remonstrators' presentation (twenty (20) minutes or less);
- (4) Public comment from any citizen who has an interest distinct from that represented by petitioners or remonstrators (two (2) minutes or less each);
- (5) Petitioners to close (remainder of twenty (20) minutes if any);
- (6) Remonstrators to close (remainder of twenty (20) minutes if any);
- (7) Council questioning and debate:
  - a. Each councilmember has the floor only once for not more than two (2) minutes;
  - b. All questions by councilmembers and the responses shall be counted within the time allocated in subparagraph a.;
- (8) Councillors requesting hearing have five (5) minutes to close debate;
- (9) Hearing ends; petition is decided.

(e) Time computation. The petitioners and remonstrators each shall have twenty (20) minutes total per side for presentation and closing, which may be used at their discretion. All testimony, except public comment and questions by councilmembers and the response thereto, shall be treated as part of either the petitioners' or remonstrators' time whether or not called by a party.

(f) Additional time requests. If either party is of the opinion that the issues are sufficiently complex to justify additional time, such request shall be made at the staff conference and decided by the council prior to the hearing. No additional time shall be allowed after the hearing begins except by action suspending these rules.

(g) Council vote. After the public hearing on a proposal for a rezoning ordinance, by a vote of ~~eighteen (18)~~ fifteen (15) of the members of the city-county council, the proposal is adopted or rejected as the case may be. Any vote of less than ~~eighteen (18)~~ fifteen (15) shall be indecisive; and the proposal shall take effect as adopted pursuant to IC 36-7-4-608(c)(3) on the final action date (as extended).

SECTION 5. Section 151-1130 and 1131 of the "Revised Code of the Consolidated City and County," regarding standards of ethical conduct for councillors, is hereby amended by deleting the stricken-through text and adding the language that is underlined, to read as follows:

**Sec. 151-1130. General ethical considerations.**

(a) *Purposes.* Ethical standards for members of the city-county council are essential to maintaining public trust in the handling of public affairs of the city and county. The purpose of this article is to set forth those acts and actions that are incompatible with the best interests of the city and county by directing disclosure by councillors of private financial or other interests in matters affecting the city or county. By requiring ethics disclosures and providing a guide for ethical conduct, the council can promote the faith and confidence of its citizens in its government.

(b) *Duty to act in public interest.* It is the duty of all councillors to act at all times in the best interest of the public and to avoid any appearance of acting in their own private interest.

(c) *Acknowledgment of part time councillors.* It is recognized that service as a member of the city-county council is a part-time endeavor and that members of the city-county council are active in the community and elsewhere and that it is necessary that they maintain a livelihood and source of income apart from their council compensation. ~~It is further recognized that state law permits employees of the city and county to be elected as, and serve as, councillors, even though the council must adopt budgets that include appropriations to pay their salaries as employees of the city or county.~~

(d) *Duty to disclose employment and material business interests.* It is the duty of each councillor to disclose his or her employments and positions of control or ownership interests in businesses or civic organizations that have business relationships with, contracts with, or are funded by, the city or county.

**Sec. 151-1131. Conflicts of interest, voting.**

(a) *Voting.* This section establishes standards for determining when a councillor is disqualified from acting or may be permitted to abstain from acting in conflict of interest situations.

(b) *Actual conflicts of interest.*

(1) *Defined.* A councillor has an actual conflict of interest whenever the outcome of a vote on a matter before the council would either:

- a. Confer a direct material pecuniary benefit with a value in excess of one thousand dollars (\$1,000.00) which would be received (i) by the councillor, the councillor's spouse or councillor's dependent children or (ii) by any business in which the councillor, the councillor's spouse or councillor's dependent children have an interest that is required to be disclosed under ~~section 151-1123~~ section 151-1132, which benefit would be materially different from the benefits conferred generally on the public or the councillor's constituents; or
- b. Affect a private personal interest by either conferring any preference or causing any detriment to the councillor, the councillor's business, or councillor's family which would be different from that which would apply to the public or the councillor's constituents generally.

A councillor, who is also an employee of ~~the city or county or other~~ an agency whose budget is subject to approval by the city-county council, shall not be deemed to have an actual conflict of interest either (i) with respect to votes on budgets or revenue proposals, unless the proposal pertains primarily to such employee or the employee's supervisor, or (ii) with respect to votes on proposals setting the compensation of councillors.

(2) *Disclosure of actual conflicts.* As soon as it becomes apparent that a councillor has an actual conflict of interest with respect to a matter before the council, the councillor shall immediately disclose the conflict and thereafter not participate in the debate.

(3) *Disqualification from voting.* A councillor with an actual conflict of interest shall be disqualified from voting on the matter.

(c) *Appearance of a conflict of interest.*

(1) *Voluntary abstention.* Whenever a personal relationship, business interest, or civic involvement of a councillor (other than those relationships inherent in the political process and in advocating constituent concerns) is such that it might appear to limit the councillor's objectivity on the merits of the councillor's vote, the councillor may request to abstain from voting on such matter. The abstention shall be allowed, unless the abstention prevents the council from deciding the matter, in which circumstances the council by a majority vote of those voting may require the councillor to vote. A vote under such circumstances shall not be grounds for ethical complaints against such councillor.

(2) *Debate and disclosure.* The appearance of a conflict of interest shall not disqualify a councillor from debate on the matter if the nature of the perceived conflict of interest is disclosed as soon as it becomes apparent to the councillor.

SECTION 6. Article VIII of the "Revised Code of the Consolidated City and County," regarding regulatory review procedures, is hereby repealed:

**~~ARTICLE VIII. REGULATORY REVIEW PROCEDURES\*~~**

~~Sec. 151-801. Functions of the regulatory research and review committee.~~

~~The regulatory research and review committee shall:~~

- ~~(1) Review existing regulations that are subject to chapter 141 to determine if such regulations comply with the purposes set forth in section 141-301;~~
- ~~(2) Examine this Code, formulate a schedule under which current regulations subject to this article are assigned an expiration date to allow orderly future review under this article, and recommend a proposed ordinance adopting such schedule;~~
- ~~(3) Adopt a threshold standard and procedure for exempting from formal review proposals or regulations subject to this article that:~~
  - ~~a. Make only technical or minor amendments to current ordinance or regulatory provisions;~~
  - ~~b. Would only adopt a required state or federal code standard; or~~
  - ~~c. Would have an insignificant economic impact;~~
- ~~(4) Monitor and review proposed regulations filed with the clerk pursuant to chapter 141 to assure that economic impact statements are prepared and the procedures of that chapter are followed; and~~
- ~~(5) Review and supervise the continuing editing of this Revised Code and the administrative code, including the electronic versions and their distribution.~~

~~Sec. 151-802. Regulatory impact statement for ordinances.~~

~~No proposal for an ordinance (except those excluded by section 151-803) may be introduced before the council until a regulatory impact statement containing the following information has been filed with the clerk of the council:~~

- ~~(1) A statement of the specific problem being addressed by the proposed regulation.~~
- ~~(2) A statement of the specific outcome that is desired, and the clear standards by which that outcome is measured.~~
- ~~(3) A statement asserting that the proposal or regulation does, or does not, duplicate existing local, state or federal laws or regulations, and if so, why duplication is justified.~~
- ~~(4) A statement setting forth the costs of increased stringency to affected groups including regulated parties, those who pay taxes and fees for government services, and consumers of products and services of regulated parties.~~
- ~~(5) Identification of steps taken to achieve the desired outcome through market-based or other nonregulatory approaches and a discussion of why such is not possible or feasible.~~
- ~~(6) A statement demonstrating that reasonable efforts have been made to identify and contact individuals and organizations that will be impacted by adoption of the proposal or regulation.~~

~~Sec. 151-803. Application.~~

~~This article does not apply to fiscal ordinances, rezoning ordinances, special ordinances, or general ordinances:~~

- ~~(1) That define rules of council;~~
- ~~(2) That govern the way local government is organized;~~
- ~~(3) That govern the compensation or terms of employment of employees of the city or county; or~~
- ~~(4) That govern parking, vehicle weight restrictions, traffic flow, and similar matters.~~

~~Sec. 151-804. Expiration of proposed ordinances.~~

- ~~(a) Proposals subject to this article that either:~~

~~(1) Create a new chapter in this Code; or~~

~~(2) Substantially modify a chapter in this Code;~~

~~shall include a section providing for the expiration of the chapter on a specific date within five (5) years of the date of the adoption of the ordinance proposal by the council.~~

~~(b) A proposal to readopt an ordinance, with or without amendment, that contains an expiration provision required by this section subjects that proposal to review under this article.~~

~~Sec. 151-805. Review of current ordinances that expire.~~

~~A proposal to readopt an ordinance, with or without amendment, to which an expiration date has been assigned by council ordinance, subjects that proposal to review under this article.~~

~~Sec. 151-806. Expiration.~~

~~This article shall expire six (6) months from the date of its adoption.~~

SECTION 7. This ordinance shall take effect at noon on January 1, 2016.

PROPOSAL NO. 413, 2015. Councillor Mansfield reported that the Administration and Finance Committee heard Proposal No. 413, 2015 on December 8, 2015. The proposal, sponsored by Councillors Moriarty Adams and Mascari, increases the compensation of the mayor and the city-county council. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Scales stated that the job of Councillor is considered a part-time job and most Councillors have full-time employment. She stated that many city and county employees work full-time and receive a little less than what the Councillors would receive with this increase. She said that many of those individuals have worked 15 plus years for local government and foregone increases because of the budget crisis. She said some of them are barely making minimum wages. The contract negotiations for increases for public safety officials have not been honored, and there are many more citizens in Marion County that are unemployed or underemployed, or have no income to rely on. She said that to vote themselves a pay increase would be self-indulgent, and she encouraged her colleagues to oppose the proposal.

Councillor Mansfield said that she thinks it is appropriate to do this now with an outgoing Council, as a completely new body will be seated in 2016. Many of those voting this evening will not see a dime of this, therefore, it is not self-serving. Whenever it has come up in the past, they say it should not happen, but there is never a good time. However, there has not been an increase since 2001 and it is long overdue. She said that Councillors do not get reimbursed for expenses, driving, parking, etc., while other cities also pay per diems for those items. She said that in the past 15 years, those expenses have incrementally increased, and other employees get reimbursed or have city vehicles, but Councillors do not. She said that they also have to take personal time from their full-time jobs to do this job, as many meetings, such as zoning and alcoholic beverage board, are during the day. This takes up their vacation time that could be used for their families. She said that there are a number of factors to think through, and even with the increase, Indianapolis is still relatively low compared to other cities throughout the country, as well as here in Indiana.

Councillor Lutz said that he is leaving this Council, so this 44% increase will not affect him, and there will be 11 new members who will benefit instead. He said that he is not opposed to a pay increase, but he feels the members coming on board should cast the vote one way or the other and

not the lame ducks on the Council. He said that those who are elected should be the ones that should decide. He said that he also does not think it has been properly vetted, especially with four new amendments they are just seeing this evening. He said that he agrees with Councillor Scales that this seems out of balance when there are full-time city and county employees making less than this part-time salary. He said that they are estimating it may only be a \$100,000 increase, but it should be voted by the new Council, as the voters have no recourse with the votes taking place by outgoing officials.

Councillor Tew said that he believes several members of this body passed redistricting maps as lame ducks, and he is happy to give the next Council a payraise. He said that they should not be afraid to tell the voters they deserve the money. They deserve this pay raise and more.

Councillor Moriarty Adams said that she was only going to offer one amendment this evening, with regard to benefits, but may not even do that. She said that she believes this is long overdue. In her 28 years on the Council, they have had two payraises, and these were not actually raises for the Council, but the Councillor salary was tied to the Mayor's office, and the Mayor received raises, with the Council receiving them by default. She said that this proposal unties those salaries, and allows a salary increase for members of the Council. She said that the new wage is still low compared to other similar cities in government and population with part-time Council members. Jacksonville is most similar to Indianapolis, and their Councillors make \$44,100. Charlotte Councillors earn \$17,806, and Columbus, Ohio pays their Councillors \$53,585. She said that if they do not do this now and untie their salaries from the Mayor's salary, they will still be making \$11,400 in 2030.

Councillor Pfisterer said that she does not think there is any argument that every Councillor in this room does not work hard. But this expense was not contemplated in the budget process last October, and that is when it should have been discussed. She said that it was reported that this is money saved from at-large positions that was moved to Character 03, but then later was told it was for Information Services Agency charges, which continue to increase. She said that she does not see how this will cover that. She said that her constituents asked her five to one to not support the proposal. She said that she does not dispute it is needed, but there is a better way to go about it, especially in light of others in city and county government making poverty-level full-time salaries.

Councillor Adamson said that he is sorry some constituents do not feel their Councillor deserves a higher wage than they get, but when his find out what he makes, they are usually shocked they do not make more. He said that Louisville has part-time Councillors making \$45,000, and there are Indiana cities a fraction the size of Indianapolis whose officials make between \$15,000 and \$16,000.

Councillor Gooden said that he assumed the at-large funding was taken out of the budget. Bart Brown, Council Chief Financial Officer, said that this funding was moved to Character 03 to cover increases in ISA charges. He said that they will still have to find other savings in the budget to fund this increase, but they have routinely underspent the budget \$100,000 to \$150,000 a year, and he is confident with the right management that they can fund this.

Councillor Sandlin said that he voted this proposal out of committee to get it to the floor for a full vote because he felt it was important all members weigh in on it. However, he feels this is the wrong time from his perspective. It should have been done during the budget process, and the community should have been able to weigh in. He said that many constituents think an adjustment is needed, but this was short notice and has not been communicated well. He said that

he also shares the concerns that the money to cover this increase is not in the budget, and therefore, he opposes the proposal.

Councillor Miller said that the savings can be found in the Council budget, and as long as they are not asking for a transfer of funds from somewhere else, like public safety, where they would have to consequently tighten their belts, he does not see a reason to oppose. He said that it has been 14 years, and if they do not do something now, it will be another 14 years.

Councillor Gray said that according to statute, they are the only ones who can vote themselves a raise, so if they are afraid of doing so, it will never be done.

Councillor Adamson said that this is not a self-indulgent act, and this is the only mechanism in place to raise Council salaries. He said that this is not a common or regular practice, as it has not been done since 2001. He said that not doing an adjustment creates an environment where only independently wealthy or retired individuals will run for office. He said that their salary should reflect the amount of time taken away from their jobs, other obligations and family.

Councillor Scales said that they knew when they ran for office what the pay was. She asked if any study was done as to whether these other cities took care of their clerks and office workers with regular raises or if their salaries were low like Indianapolis pays their full-time employees. She said that she regrets having this conversation about raising Councillor salaries and not all local government workers.

Councillor McQuillen moved, seconded by Councillor Adamson, to call the question and end debate. Debate was ended on the following roll call vote; viz:

*22 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Holliday, Jackson, Lewis, Mansfield, Mascari, McQuillen, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Scales, Simpson, Tew*  
*7 NAYS: Hickman, Hunter, Lutz, McHenry, Miller, Sandlin, Shreve*

Councillor Mansfield moved, seconded by Councillor Oliver, for adoption. Proposal No. 413, 2015 was adopted on the following roll call vote; viz:

*16 YEAS: Adamson, Clay, Evans, Gooden, Gray, Hunter, Jackson, Lewis, Mansfield, Mascari, Miller, Moriarty Adams, Oliver, Osili, Simpson, Tew*  
*13 NAYS: Barth, Cain, Freeman, Hickman, Holliday, Lutz, McHenry, McQuillen, Pfisterer, Robinson, Sandlin, Scales, Shreve*

Proposal No. 413, 2015 was retitled GENERAL ORDINANCE NO. 99, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 99, 2015

PROPOSAL FOR A GENERAL ORDINANCE to increase the compensation of the mayor and the city-county council.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Sections 101 and 102 of Chapter 192, Article I, of the "Revised Code of the Consolidated City and County," regarding compensation of elected officials, is hereby amended by deleting the stricken-through text and adding the language that is underlined, to read as follows:

**Sec. 192-101. Compensation of the mayor.**

The compensation of the mayor is fixed pursuant to IC 36-3-6-2 for calendar year 2002 and thereafter until modified in accordance with article III of this chapter, as:

- (1) An annual salary of ninety-five thousand dollars (\$95,000.00).
- (2) A deferred compensation plan funded by contributions of seven thousand five hundred dollars (\$7,500.00),
- (3) The use of an automobile,
- (4) An expense account for expenses incurred in the performance of the duties of the office, and
- (5) Participation in other employee benefits on the same basis as other civilian employees of the city.

**Sec. 192-102. Compensation of councillors.**

The compensation of members of the city-county council are fixed pursuant to IC 36-3-6-2 for the calendar year ~~2002~~ 2016 and thereafter until modified in accordance with article III of this chapter, as:

- (a) Each member of the city-county council shall receive an annual salary ~~in an amount equal to twelve (12) percent of the annual salary of the mayor as fixed in section 192-101 of this Code~~ of sixteen thousand four hundred dollars (\$16,400.00).
- (b) Each member of the city-county council shall receive, in addition to the annual salary, a per diem allowance of one hundred twelve dollars (\$112.00) for each regular council meeting attended, not to exceed twenty-one (21) in any calendar year, attendance to be determined solely on the basis of the roll call taken at the opening of each regular meeting.
- (c) Each member of the city-county council, in addition to the annual salary and per diem for council meetings, shall receive a per diem of sixty-two dollars (\$62.00) for attendance at each meeting of a committee of which he is a member, not to exceed forty (40) meetings in any calendar year. The council may authorize the per diem fee to be paid to a member representing the council on a specific council assignment.
- (d) In addition to the annual salary and per diem fees, the officers of the council shall receive the following additional compensation:
  - (1) The president shall be paid an additional annual compensation of one thousand nine hundred eighty-two dollars (\$1,982.00);
  - (2) The vice president, majority leader and minority leader shall be paid an additional annual compensation of one thousand three hundred twenty dollars (\$1,320.00);
  - (3) The chairman of each standing committee for the president of each special service district council shall be paid an additional annual compensation of seven hundred ninety-seven dollars (\$797.00); and
  - (4) The chairman of each special committee shall be paid an additional monthly compensation of sixty-six dollars (\$66.00) for each calendar month during which the committee meets.

No member shall be entitled to but one additional compensation as provided in this paragraph (d). The right to each such additional compensation shall be established by the council rules and resolutions providing for the organization of the council or the establishment of the special committee.

- (e) Members of the city-county council, as part-time employees, may participate in employee benefit programs on the same basis as other elected and part-time employees of the City of Indianapolis.

SECTION 2. This ordinance shall take effect at noon on January 1, 2016.

PROPOSAL NO. 414, 2015. Councillor Osili reported that the Rules and Public Policy Committee heard Proposal No. 414, 2015 on December 1, 2015. The proposal, sponsored by

Councillor Moriarty Adams, amends the Code to delete obsolete references to township assessors and to renumber Chapter 671, regarding employment of ex-offenders, to Chapter 670. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Osili moved, seconded by Councillor Adamson, for adoption. Proposal No. 414, 2015 was adopted on the following roll call vote; viz:

29 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson  
0 NAYS:

Proposal No. 414, 2015 was retitled GENERAL ORDINANCE NO. 100 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 100, 2015

PROPOSAL FOR A GENERAL ORDINANCE amending the Revised Code to delete obsolete references to township assessors and to renumber Chapter 671 as Chapter 670.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 131-102 of the "Revised Code of the Consolidated City and County," regarding bad check charges, is hereby amended by deleting the stricken-through text and adding the language that is underlined, to read as follows:

**Sec. 131-102. Bad check charges.**

All county offices and agencies, ~~township assessors~~, and city departments may charge a service charge of up to twenty dollars (\$20.00) to the maker of any check, draft or order which is refused or dishonored by a drawee credit institution due to insufficient funds in the maker's account with the drawee credit institution.

SECTION 2. Section 192-103 of the "Revised Code of the Consolidated City and County," regarding compensation of county elected officers, is hereby amended by deleting the stricken-through text and adding the language that is underlined, to read as follows:

**Sec. 192-103. Compensation of county elected officers.**

The compensation of the various county elected officers are fixed pursuant to IC 36-3-6-2 for the calendar year 2010 and thereafter until modified in accordance with Article III of this Chapter, as:

Effective January 1, 2010, the annual compensation of the elected county officers for the calendar year 2010 and thereafter until modified shall be as follows:

(a) An annual salary of:

- (1) County assessor .....\$65,278.00
- (2) County auditor .....70,833.00
- (3) County clerk .....70,833.00
- (4) County coroner .....35,649.00
- (5) County recorder .....65,278.00
- (6) County surveyor .....53,488.00
- (7) County treasurer .....70,833.00
- ~~(8) Center Township assessor .....27,500.00~~
- ~~(9) Decatur Township assessor .....19,470.00~~
- ~~(10) Franklin Township assessor .....19,470.00~~
- ~~(11) Lawrence Township assessor .....23,364.00~~
- ~~(12) Perry Township assessor .....23,364.00~~
- ~~(13) Pike Township assessor .....19,470.00~~
- ~~(14) Warren Township assessor .....25,960.00~~
- ~~(15) Washington Township assessor .....25,960.00~~



~~(16) Wayne Township assessor .....25,960.00~~

(b) The county assessor, the county auditor, the county clerk, the county coroner, the county recorder, the county surveyor, and the county treasurer shall receive a deferred compensation plan funded by contributions equaling eight (8) percent of the officer's annual salary.

(c) The county assessor, county auditor and county treasurer, as ex-officio county commissioners, in addition to other compensation may be provided the use of an automobile.

(d) Effective for the 2002 calendar year and thereafter until modified, the following amounts are provided, which are in addition to and not part of the officer's annual salary:

(1) ~~The A county assessor and each township assessor~~ who has attained a level two certification under IC 6-1.1-35.5 shall receive annually the amount of one thousand dollars (\$1,000.00).

(2) A deputy county assessor who has attained a level two certification under IC 6-1.1-35.5 shall receive annually the amount of five hundred dollars (\$500.00).

(e) The salary for the county sheriff shall be fifty-two thousand three hundred thirty-eight dollars (\$52,338.00), which shall be increased to one hundred two thousand three hundred thirty-eight dollars (\$102,338.00) per annum if the sheriff has entered into a salary contract pursuant to either an applicable ordinance or IC 36-2-13-2.5.

(f) All elected county officers shall be entitled to participate in other employee benefits on the same basis as other county employees.

SECTION 3. Section 241-307 of the "Revised Code of the Consolidated City and County," regarding the resource development division, is hereby amended by deleting the stricken-through text and adding the language that is underlined, to read as follows:

**Sec. 241-307. Resource development division.**

The resource development division shall:

(1) *With respect to project/asset management:*

- a. Manage the scoping, planning, design and construction of parks and facilities and administer the capital improvement program;
- b. Utilize knowledge of the construction industry and requirement of the city bidding process to manage the design, bidding and construction of parks facilities; and
- c. Protect and maintain the investment of parks and greenways by setting high standards for design, construction, project management and adherence to safety and ADA issues.

(2) *With respect to planning:*

- a. Ensure a comprehensive cycle of planning and development which combines public input, professional standards, responsible use of public investment, and process evaluation to promote constant improvement;
- b. Coordinate the input of all citizens in the planning process and communication of the plan for future park development; and
- c. Develop comprehensive/park master planning:
  - i. Provide long-range and short-term evaluations of guidelines, park improvements, property acquisitions and county-wide park and recreation needs;
  - ii. Coordinate development of parks based on physical resources and identified community needs; and

iii. Define park functions and proposed uses.

(3) *With respect to real-estate/land acquisition:*

- a. Manage inventory of all park properties;
- b. Coordinate all property transactions for the department;
- c. Coordinate governmental grants of right-of-way, easement, rights-of-entry and leases; and
- d. Before any city-owned park land (defined herein as real estate which is currently being used as a public park or is designated for such use in the comprehensive plan approved by the parks board, but including park land legally designated as surplus property) is disposed of for any purpose other than its intended use as a park, there shall be a special notice and mailing to residents in the area around the park, and a special public hearing shall be held with no less than four (4) weeks advance notice to citizens in the park's vicinity. Such notice shall be given by first class mail addressed to the owners of real estate adjacent to the park in question to a depth of two (2) ownerships or six hundred (600) feet, whichever is less, as determined from the records of the ~~township~~ county assessor, and by publication as required under IC 5-3-1-2(b). The foregoing notice and public hearing requirements shall not apply, however, to disposals of city-owned park land as a result of the following:
  - i. Grants of rights-of-way, easements, rights-of-entry, use permits, licenses and the like;
  - ii. Exchanges with or transfers to other governmental entities; or
  - iii. Leases.

(4) *With respect to land improvement design:*

- a. Provide, coordinate and manage improvements to park properties such as playgrounds;
- b. Construct trails;
- c. Conduct general site improvements/repairs;
- d. Demolish hazardous facilities;
- e. Perform concrete repairs at facilities;
- f. Rebuild athletic fields; and
- g. Provide heavy equipment support for departmental needs.

SECTION 4. Section 511-707 of the "Revised Code of the Consolidated City and County," regarding liability, is hereby amended by deleting the stricken-through text and adding the language that is underlined, to read as follows:

**Sec. 511-707. Liability.**

(a) Any person who allows the accumulation or existence of combustible material which constitutes or contributes to a fire causing air pollution shall not be excused from responsibility therefor on the basis that such fire was accidental or an act of God.

(b) The owner of property, as appearing in the latest records of the ~~appropriate township~~ county assessor, where open burning in violation of this article and its regulations occurs, shall be prima facie liable for the violation.

SECTION 4. Section 511-802 of the "Revised Code of the Consolidated City and County," regarding variances, is hereby amended by deleting the stricken-through text and adding the language that is underlined, to read as follows:

**Sec. 511-802. Variances.**

(a) *Grounds.* If a person demonstrates to the board that compliance with the provisions of this chapter or of its regulations would cause:

- (1) An arbitrary and unreasonable taking of property; or
- (2) A practical closing and elimination of lawful business, occupation or activity; or
- (3) An undue hardship upon any person;

without a sufficient corresponding benefit or advantage to the public in the reduction of air pollution, the board may grant a variance to that person. Before it may grant a variance, the board shall hold a public hearing on the matter.

(b) *Notice of hearing.*

- (1) *Notice by publication.* At least fifteen (15) days before the hearing, notice of the hearing shall be published in a newspaper of general circulation printed and published in Marion County. The notice shall state the time and place for the hearing and the subject matter of the hearing.
- (2) *Notice to neighborhood organizations.* At least fifteen (15) days before the hearing, the person requesting the variance shall notify each neighborhood organization whose area (as delineated upon the neighborhood organization map of the department of metropolitan development) includes or is within one (1) mile of the property which contains the air contaminant emitter subject to the proposed variance. The notice shall be written and delivered personally or by registered, certified or first class mail. The notice shall state the name of the person requesting the variance, the time and place of the hearing, a general description of the air contaminant emitter for which the variance is sought and the nature of the variance sought.
- (3) *Personal notice.* At least fifteen (15) days before the hearing, the person requesting the variance shall notify the owners (as appearing in the latest records of the ~~appropriate township~~ county assessor) of all real estate located within six hundred sixty (660) feet of the property which contains the air contaminant emitter subject to the proposed variance. If the property owner's address is different than the address of the property, the person requesting the variance shall also direct the notice to the property address. The notice shall be written and shall be delivered in person or by registered, certified or first class mail. The notice shall state the name of the person requesting the variance, the time and place of the hearing, a general description of the air contaminant emitter for which the variance is sought and the nature of the variance sought.
- (4) *Affidavit of notice.* At least five (5) days before the hearing, the person requesting the variance shall furnish to the board proof of compliance with the above notice requirements. Such proof shall be in the format or on such forms as the board may designate.

(c) *Hearing.* At the hearing, the person requesting the variance, the administrator and any person affected by the proposed variance may appear to present evidence. The board may establish time limits and procedures for presenting evidence, cross-examination and argument. No later than sixty (60) days after the hearing is concluded, the board shall render its decision to grant or deny the variance.

(d) *Terms of variance.* A variance shall prescribe terms other and different, but not more burdensome, from the requirements of this chapter and its regulations. No variance may allow a person to cause or create air pollution as defined in section 511-102 of this chapter. The board may limit the duration of the variance.

(e) *Revocation or modification of variances.* The board may revoke or modify any variance it has granted. If the modification to the variance is de minimis or nonsubstantive, the board shall deliver written notice to the person subject to the variance in person or by registered, certified or first class mail at least fifteen (15) days before modifying the variance. If the board is revoking a variance or making substantive modifications to the variance, the board shall allow the procedures outlined in paragraphs (b), (c) and (d) of this section, except the burden of notification shall be upon the administrator.

SECTION 5. Chapter 671 of the "Revised Code of the Consolidated City and County," regarding the employment of ex-offenders, is hereby renumbered as Chapter 670, to read as follows:

## CHAPTER 670 - EMPLOYMENT OF EX-OFFENDERS

### Sec. 670-101. Definitions.

As used in this chapter the following terms have the following meanings:

*Applicant* means any person considered or who requests to be considered for employment by a city or county agency or vendor.

*City or county agency* means any office, department, agency, board or commission of the Consolidated City of Indianapolis and Marion County.

*Conviction* means any sentence arising from a verdict or plea of guilty or nolo contendere, including a sentence of incarceration, a suspended sentence, a sentence of probation or a sentence of unconditional discharge.

*Employee* means all persons engaged in the operation or conduct of any business, whether as owner, any member of owner's family, partner, associate, agent, manager, or representative, and any and all other persons engaged or employed in said business.

*Employment* means any occupation, vocation, job, work for pay or employment, including temporary or seasonal work, contracted work, contingent work and work through the services of a temporary or other employment agency; or any form of vocational or educational training with or without pay. "Employment" shall not, for the purposes of this chapter include membership in any law enforcement agency.

*Inquiry* means any direct or indirect conduct intended to gather information, using any mode of communication.

*Interview* means any direct contact by the employer with the applicant, whether in person or by telephone, to discuss the employment being sought or the applicant's qualifications.

*License* means any certificate, license, permit, authorization or grant of permission required by the city as a condition for the lawful practice of any occupation, employment, trade, vocation, business, or profession. "License" shall not, for the purposes of this chapter, include any license, authorization or permit to own, possess, carry, or fire any explosive, pistol, handgun, rifle, shotgun, or other firearm.

*Vendor* means any person or entity which employs the equivalent of ten (10) or more full-time employees in its total workforce and which holds or enters into a contract with a city or county agency.

**Sec. 670- 102. Ban-the-box**

In connection with printed and/or on-line employment application forms of a city or county agency or vendor, it shall be an unlawful discriminatory practice for them to contain a "Box" or inquiry regarding an applicant's prior criminal history.

**Sec. 670 -103. Unlawful discriminatory practice—Arrestees.**

To prohibit unfair discrimination against persons previously arrested for one or more criminal offenses:

In connection with the licensing or employment of any person, it shall be an unlawful discriminatory practice for a city or county agency or vendor to make any inquiry about or to take any adverse action against any person on the basis of any arrest or criminal accusation made against such person, which is not then pending against that person and which did not result in a conviction. It shall further be an unlawful discriminatory practice for a city or county agency or vendor to require any person to disclose or reveal any arrest or criminal accusation made against such person which is not then pending against that person and which did not result in a conviction.

**Sec. 670- 104. Unlawful discriminatory practice—Ex-offenders.**

To prohibit unfair discrimination against persons previously convicted of one or more criminal offenses:

(a) In connection with the licensing or employment of any person, it shall be an unlawful discriminatory practice for a city or county agency or vendor to make any inquiry regarding or to require any person to disclose or reveal any criminal convictions during the application process. The application process shall begin when the applicant inquires about the employment being sought and shall end when an employer has accepted an employment application.

(b) It shall further be an unlawful discriminatory practice for a city or county agency or vendor to make any inquiry regarding, or to require any person to disclose or reveal any criminal convictions against such person before and during the first interview. If an employer does not conduct an interview, that employer is prohibited from making any inquiries or gathering any information regarding the applicant's criminal convictions.

**Sec. 670-105. EEOC guidelines.**

It is the policy of the city to provide equal employment opportunities for qualified individuals without discrimination. Under federal law, the Equal Employment Opportunity Commission ("EEOC") prohibits the use of criminal records as a measure to exclude an applicant from employment without considering the following four (4) factors:

- (1) Whether the applicant committed the offense (if only an arrest);
- (2) The nature and gravity of the offense;
- (3) The time since the offense; and
- (4) The nature of the job for which the applicant has applied.

In accordance with EEOC guidelines, any city or county agency or vendor shall consider the above factors when deciding to offer employment to an applicant with a prior criminal conviction(s).

**Sec. 670-106. City contracts and economic incentives.**

(a) The city shall only conduct business with vendors that have adopted and implemented policies, practices and standards, regarding an applicant's prior criminal history, that are consistent with the city's policies, practices and standards, except where state and/or federal laws may require criminal background investigations for certain positions, including positions that involve work with children, positions in law enforcement, and other sensitive positions.

(b) The party responsible for awarding city contracts shall review all vendors' policies, practices and standards for the hiring of applicants with prior criminal convictions to ensure that the vendors' practices, policies and standards are consistent with the city's policies, practices and standards.

(c) The vendors' policies, practices and standards on employing applicants with prior criminal convictions shall be made a part of the criteria to be considered by the city when awarding contracts and economic incentives.

**Sec. 670-107. Exemptions.**

- (1) An employer hiring for positions where certain convictions or violations are a bar to employment in that position under state or Federal law, including but not limited to positions that involve work with children and positions in law enforcement, shall not be constrained from asking questions about those convictions or violations.
- (2) An employer hiring for licensed trades or professions, including positions such as interns and apprentices for such licensed positions, may ask applicants the same questions asked by the trade or professional licensing body, in accordance with state law.
- (3) The prohibitions of this chapter shall not apply if the inquiries or adverse actions prohibited herein are specifically authorized by any other applicable law.

**Sec. 670-108. Enforcement.**

(a) Each violation of this chapter shall be punishable as provided in section 103-3 of the Code.

(b) The city shall keep a record of all violations of the application provisions established by this chapter. A history of violation of this chapter's provisions shall be a factor which is considered by the city when deciding upon any future awards of contracts to the affected employer and may form the basis for denying any future contracts to the affected employer.

(c) The mayor's office or such other office or agency as the mayor shall designate, shall administer and enforce this chapter and shall make a report on all such complaints, investigations and reviews to the city-county council on a quarterly basis.

SECTION 6. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 425, 2015. Councillor Robinson reported that the Metropolitan and Economic Development Committee heard Proposal No. 425, 2015 on December 3, 2015. The proposal, sponsored by Councillors Evans and Robinson, approves the statements of benefits of TC Heartland, an applicant for tax abatement for property located in an economic revitalization area. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Robinson moved, seconded by Councillor Evans, for adoption. Proposal No. 425, 2015 was adopted on the following roll call vote; viz:

*29 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty, Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson*  
*0 NAYS:*

Proposal No. 425, 2015 was retitled GENERAL RESOLUTION NO. 35, 2015, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 35, 2015

PROPOSAL FOR A GENERAL RESOLUTION to approve the statements of benefits of TC Heartland d/b/a Heartland Food Products Group (hereinafter referred to as "Applicant"), an applicant for tax abatement for property located in an allocation area as defined by IC 36-7-15.1-26.

WHEREAS, IC 6-1.1-12.1 allows a partial abatement of property taxes attributable to redevelopment, rehabilitation activities or installation of new equipment in Economic Revitalization Areas (each hereinafter referred to as a "Project"); and

WHEREAS, pursuant to IC 6-1.1-12.1, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (hereinafter referred to as "MDC") is empowered to designate Economic Revitalization Areas; and

WHEREAS, IC 6-1.1-12.1 requires an applicant for Economic Revitalization Area designation to provide a statement of benefits and requires the MDC, before it makes a decision to designate the area as an Economic Revitalization Area, to determine that (i) the estimated value of a Project is reasonable for projects of that nature, (ii) the estimated employment at the indicated annual salaries for a Project identified in the statement of benefits can reasonably be expected, (iii) a Project can be reasonably expected to yield the benefits identified in the statement of benefits and (iv) the totality of benefits arising from a Project is sufficient to justify Economic Revitalization Area designation; and

WHEREAS, pursuant to IC 6-1.1-12.1-2(k), a statement of benefits for property located within an allocation area, as defined by IC 36-7-15.1-26, may not be approved unless the City-County Council of Indianapolis and Marion County, Indiana (hereinafter referred to as "Council") adopts a resolution approving the statement of benefits; and

WHEREAS, the Applicant has submitted personal property Statements of Benefits to the MDC as part of its application for Economic Revitalization Area designation for property where Applicant's Project will occur, located within an allocation area, as defined by IC 36-7-15.1-26; and

WHEREAS, MDC has preliminarily approved Applicant's Statements of Benefits, pending adoption from the Council, to allow the designation of the Economic Revitalization Area and related tax abatement pursuant to IC 6-1.1-12.1; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Council hereby approves the Statements of Benefits that were submitted to the MDC, as part of the application for Economic Revitalization Area designation, by TC Heartland d/b/a Heartland Food Products Group.

SECTION 2. This resolution shall be in effect from and after its passage by the Council and compliance with Ind. Code 36-3-4-14.

## NEW BUSINESS

Councillor Lewis stated that it has been a pleasure to serve as President these past four years and she has enjoyed working with all members.

## ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor McQuillen stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Lutz in memory of Arthur Neil Ellwanger; and
- (2) Councillor Lewis in memory of Sterling Henderson; and
- (3) Councillors Pfisterer and Moriarty Adams in memory of Christopher Bertrand and Joel Johnston; and
- (4) Councillor Freeman in memory of Kathy Ilene Williams; and
- (5) Councillor McQuillen in memory of Floyd and Lottie Van Wye, Phil Collins and Marion Francis Noggle; and
- (6) Councillor Gray in memory of Edgar B. Searcy.

Councillor McQuillen moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Arthur Neil Ellwanger, Sterling Henderson, Christopher Bertrand, Joel Johnston, Kathy Ilene Williams, Floyd, Lottie Van Wye, Phil Collins, Marion Francis Noggle, and Edgar B. Searcy. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:53 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 14th day of December, 2015.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

  
President

ATTEST:

  
Clerk of the Council

(SEAL)

